



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 3 FEBRUARY 2004 AT 7.00PM  
LEVEL 3, COUNCIL CHAMBERS**

**A G E N D A**

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**APOLOGIES**

**DECLARATION OF PECUNIARY INTEREST**

**CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

**ADDRESS THE COUNCIL**

**NOTE:**       Persons who address the Council should be aware that their address will be tape recorded.

**DOCUMENTS CIRCULATED TO COUNCILLORS**

**CONFIRMATION OF MINUTES**

**Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 16 December 2003

Minutes numbered 1061 to 1099

**MINUTES FROM THE MAYOR**

## PETITIONS

- P.1      **Curagul Road, North Turramurra - Condition Of Road Surface (One Hundred & Forty-Seven [147] Signatures)**      **1**

File: 88/05338/01

“We, the undersigned residents of Huon Park Retirement Village which fronts Curagul Road, North Turramurra, call on Ku-ring-gai Council to address the current deplorable and unsafe road surface condition of Curagul Road, east of the Bobbin Head intersection, by carrying out resurfacing work on that section of roadway in the 2004 road works program.”

## REPORTS FROM COMMITTEES

### **Minutes of Inspections Committee**

File: S02131

Meeting held 17 January 2004

Minutes numbered INS1 to INS2

## GENERAL BUSINESS

- i)      *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii)     *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

- GB.1      **2 Yarrabung Road, St Ives - Alterations And Additions To Create An Attached Dual Occupancy**      **2**

File: DA1076/03

Ward: St Ives

Applicant: Byers C/- Glendinning Minto & Associates

Owner: Mrs K M Byers

To determine a development application for alterations and additions to an existing dwelling to create an attached dual occupancy. Council has resolved that dual occupancy development applications are not to be determined under delegated authority

### **Recommendation:**

Recommended for approval

- GB.2     **6 Howard Street, Lindfield - Subdivision Of One Allotment Into Two, Alterations And Additions To Existing Dwelling And Construction Of New Dwelling On New Allotment**     **33**
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- File: DA842/02
- Ward: Roseville  
Applicant: Mr Steven Yu  
Owner: Steven Yu & Hong Lan
- Determination of an application for the subdivision of one allotment into two, construction of a dwelling on the new allotment, alterations and additions to the existing dwelling.
- Recommendation:**
- Approval, subject to conditions
- GB.3     **37 Woodbury Road, St Ives - Subdivision Of Allotment To Create Two Allotments**     **77**
- .
- File: 102/03
- Ward: St Ives  
Applicant: Gary Lee  
Owner: Ozwag Pty Ltd
- Determination of a Development Application for the subdivision to create two allotments.
- Recommendation:**
- Approval - subject to conditions
- GB.4     **102 Wellington Road, East Lindfield - Subdivision Of Two Lots Into Three And Construction Of Three Detached Residential Dwellings**     **98**
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- File: DA 617/03
- Ward: Roseville  
Applicant: Icegem Pty Ltd  
Owner: Icegem Pty Ltd and Sunny Reflections Pty Ltd
- To determine an application seeking to subdivide two existing lots into three and construct three detached residential dwellings.
- Recommendation:**
- Approval
- GB.5     **34 Eastern Arterial Road, Killara - Additions To An Existing Dwelling And Construction Of A Detached Dual Occupancy**     **150**
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File: DA1432/02

Ward: Gordon

Applicant: Mr G Whitaker C/- Glendinning Minto & Associates

Owner: Wales Australian Resources Pty Ltd

To determine an application for additions and alterations to the existing dwelling and the construction of a detached dual occupancy. Council has resolved that dual occupancy applications are to be determined by Council.

**Recommendation:**

Approval subject to conditions

**GB.6      16 Koola Avenue, Killara - Dual Occupancy Comprising The Retention Of The Existing Dwelling And The Construction Of A New Dwelling      190**

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File: DA 787/03

Ward: Gordon

Applicant: Philip Hunt

Owner: P B and C A Hunt

To determine an application for a dual occupancy. Council has resolved that dual occupancy development applications which are recommended for approval are to be determined by Council.

**Recommendation:**

Approval, subject to conditions.

**GB.7      275 Mona Vale Road, St Ives - Supplementary Report      227**

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File: DA949/03

To address matters raised at the site inspection of 13 December 2003 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP5 development.

**Recommendation:**

That the additional information be noted, and that the application be approved, subject to conditions.

**GB.8      28 Saiala Road, Killara - Application For Approval      320**

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File: DA 1235/02

To report on the amended plans and additional information submitted in response to the Council resolution of 14 October, 2003 and to seek a determination of the development application.

**Recommendation:**

Approval, subject to conditions.

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| GB.9 | <b>47 Highfield Road, Lindfield - Torrens Title Subdivision &amp; Construction Of A New Dwelling &amp; Swimming Pool</b> | <b>365</b> |
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File: DA 1777/02

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

**Recommendation:**

Approval, subject to conditions.

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| GB.10 | <b>46 Cook Road, Killara</b> | <b>442</b> |
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File: DA 166/03

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

**Recommendation:**

Approval, subject to conditions

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| GB.11 | <b>64 Cowan Road, St Ives - Supplementary Report</b> | <b>501</b> |
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File: 1142/02

To provide a response to matters raised during the site inspection carried out on the 17 January 2004.

**Recommendation:**

Approval, subject to conditions.

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| GB.12 | <b>Bus Shelter - Exhibition Review &amp; Proposed Sites</b> | <b>565</b> |
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File: S02126

To report the comments and the outcome from the public exhibition on the proposed locations and to determine whether to go to public tender for the provision of bus shelters with advertising.

That Council call for public tenders for the removal of existing shelters and the supply, installation and maintenance of new bus shelters. That the results of the tender submissions be reported to Council for selection.

- To review the usage and inhibitions to usage of Council's Community Services Facilities consistent with Council's Management Plan.

That the report be received and noted.

- To report on status of Draft Local Environmental Plan No. 196 (DLEP196) - Burleigh Street Precinct, Lindfield and recommend that DLEP196 be abandoned.

That Council formally abandon Draft Local Environmental Plan No.196 and notify the Department of Infrastructure, Planning and Natural Resources and all persons who made a submission of its decision.

- To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for November 2003.

That the summary of investments, daily cash flows and loan liabilities for November 2003 be received and noted.

- To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for December 2003.

**Recommendation:**

That the summary of investments, daily cash flows and loan liabilities for December 2003 be received and noted.

- GB.17     **Council Meeting Cycle - February 2004**     **616**  
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File: S02355

To give consideration to replacing the Strategic Review Working Party Meeting set down for 17 February 2004 with an Ordinary Meeting of Council.

**Recommendation:**

That the Strategic Review Working Party scheduled for 17 February 2004 be replaced by an Ordinary Meeting of Council commencing at 7pm and the normal meeting cycle resume for the month of March 2004.

- GB.18     **100 To 102 Rosedale Road, St Ives - Community Campaign**     **619**  
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File: S02462

To consider the Minutes of the Buy 100 - 102 Rosedale Road, St Ives Action Group meetings held on Thursday 18 December 2003 and 21 January 2004.

**Recommendation:**

That Council consider the recommendations from the Buy 100 - 102 Rosedale Road, St Ives Action Group's meeting of 18 December 2003 and 21 January 2004.

**EXTRA REPORTS CIRCULATED AT MEETING**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

- NM.1     **Feasibility Study On The Re-Development Of The Carlotta Avenue, Gordon Depot Site For The Purpose Of Aged Care Facilities**     **634**  
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File: S02054

**Notice of Rescission from the Mayor, Councillor I Cross, Councillors A Little & E Malicki dated 17 December 2003.**

We move that the resolution on the re-development of the Carlotta Avenue, Gordon, Depot site made on 17 December 2003 at 12.25am:

- A. *That Council proceeds with the sale of the 10 Carlotta Avenue site on the basis of the site to be redeveloped for residential development in accordance with option 3 (Nursing Home/Retirement Village) at an FSR 1:1 with an Open Space provision of 20%.*
- B. *That prior to the sale of the site, a master plan be prepared for the site in accordance with the 2d(2) zoning and option 3.*
- C. *That any contract of sale for the site include the condition that the site is developed in accordance with the master plan adopted by Council including the form of development and that legal advice is sought as to the mechanisms to achieve this and reported back to Council at its 1<sup>st</sup> meeting of 2004.*

is hereby rescinded.

**NM.2      A Council Poll Be Taken On The Day Of Council Elections      635**

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File: S02724/4

**Notice of Motion from Councillor L Bennett dated 27 January 2004.**

I move:

That on the day of the Council election a Council poll be taken (in accordance with the provisions of the Local Government Act), the question to be put being:

“Should 4 or 5 storey apartment buildings be allowed next to one or two storey houses in Ku-ring- gai.”

**NM.3      Referendum For Popularly Elected Mayor And Three Wards Of Three Councillors      636**

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File: S02356

**Notice of Motion from Councillor I de Vulder dated 27 January 2004.**

I move:

That a referendum be held at the Ku-ring- gai Council Local Government election, on the 27 March 2004, for the following electoral changes to be made and implemented at any subsequent Local Government Election in Ku-ring- gai;

- A.      A popularly elected Mayor
- B.      Number of Wards be reduced to three
- C.      Number of Councillors to each Ward be increased to three

**NM.4      Evaluation Of Dwelling Yields      637**

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File: S02036



**Notice of Motion from Councillor A Little dated 28 January 2004.**

I move:

- A. That as a matter of urgency the effect of the FSRs and thresholds adopted in Draft LEP 194 for the 2d1 zone on dwelling yield be evaluated for each centre and compared with the figures reported to Councillors in late 2003. In the evaluation, the findings and recommendations of the Hill PDA & Sphere Property Corporation joint report in January 2003 are to be fully considered.
- B. That in light of the findings above, if there are any significant shortfalls in dwelling yield that have not already been fully compensated by new sites, then recommendations be brought to Council on how these shortfalls can be rectified.

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING  
REGULATION**

**QUESTIONS WITHOUT NOTICE**

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS &  
PUBLIC EXCLUDED**

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***Environmental Planning & Assessment Act 1979  
(as amended)***

***Section 79C***

***1. Matters for consideration - general***

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

***a. The provisions of:***

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

*that apply to the land to which the development application relates,*

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

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## MAYORAL MINUTE

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### AUSTRALIA DAY HONOURS

I am proud to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been recognised in the Australia Day Honours 2004.

I would like to read to you the names of these special Ku-ring-gai citizens and the honours that have been bestowed upon them:

**Mr Brian William BARTLETT: Member of the Order of Australia (AM)** Awarded for service to business through the development of rendered animal products and grains export markets, to the Australian Renderers Association, and through support for nutrition research.

**Dr Helen Patricia BEANGE: Member of the Order of Australia (AM)** Awarded for service to medicine, particularly in relation to the health needs of people with intellectual disabilities, and through clinical practice, advocacy, research and teaching.

**Mr Laurence Mark HOWARTH: Medal of the Order of Australia (OAM)** Awarded for service to the communities of Roseville, particularly through the Roseville Branch of the Australian Red Cross.

**Professor Alfred Jacobus van der POORTEN: Member of the Order of Australia (AM)** Awarded for service to mathematical research and education, particularly in the field of number theory.

**Mrs Lynette SILVER: Medal of the Order of Australia (OAM)** Awarded for service to veterans and their families, particularly as an organiser of battlefield tours and commemorative services.

**Mr Peter Andrew SJOQUIST: Member of the Order of Australia (AM)** Awarded for service to the visual and performing arts, to youth through the Rock Eisteddfod and Croc Festivals and to the community.

**Mrs Margaret TUCKSON: Member of the Order of Australia (AM)** Awarded for service to the arts through the promotion of abstract expressionist art and through research into and collection of indigenous art, including the ceramic art of Papua New Guinea.

**Mrs Cynthia Myrtle TURNER: Medal of the Order of Australia (OAM)** Awarded for service to the community through the Spasmodic Dysphonia Support Group (Australia).

Item 1

S02184  
27 January 2004

I would also like to read to you the names of the special Ku-ring-gai citizens who have been honoured with Ku-ring-gai Council Community Awards this year. They are:

**Linda Thompson: Young Citizen of the Year** Awarded for involvement in community, sporting and church organisations.

**Alan Faulkner: Citizen of the Year** Awarded for involvement with Ku-ring-gai Neighbourhood Aid, Mercy Family Care and Ku-ring-gai Community Transport.

**Christopher Russell: Outstanding Service to the Community by an Individual.** Awarded for his role in gaining exemption for bush fire prone areas in Ku-ring-gai.

**The Goodness and Kindness Campaign: Outstanding Service to the Ku-ring-gai Community by a Group.** Awarded for fostering and encouraging acts of goodness and kindness in children through school visits.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

## RECOMMENDATION

- A. That Council acknowledge the outstanding contribution made by these recipients of the Australia Day Honours to the Ku-ring-gai community and to the wellbeing of our society.
- B. That Council also acknowledge the outstanding contribution made by those recipients of the Ku-ring-gai Council Community Awards to the Ku-ring-gai community and to the wellbeing of our society.
- C. That the Mayor write to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

Cr Ian Cross  
Mayor

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## PETITION

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### **CURAGUL ROAD, NORTH TURRAMURRA - CONDITION OF ROAD SURFACE (ONE HUNDRED & FORTY-SEVEN [147] SIGNATURES)**

“We, the undersigned residents of Huon Park Retirement Village which fronts Curagul Road, North Turramurra, call on Ku-ring-gai Council to address the current deplorable and unsafe road surface condition of Curagul Road, east of the Bobbin Head intersection, by carrying out resurfacing work on that section of roadway in the 2004 road works program.”

### **RECOMMENDATION**

That the Petition be received and referred to the appropriate officer of Council for attention.

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## PETITION

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### RE-DEVELOPMENT OF THE CARLOTTA AVENUE, GORDON DEPOT SITE FOR THE PURPOSE OF AGED CARE FACILITIES - (THIRTY-NINE [39] SIGNATURES)

- “1. **I support maintaining the current character and amenity of Ku-ring-gai** including its wide leafy streets and low rise / density residential housing. This is why I chose to make this area my home.
2. **I support a Council that places the needs and want of its residents before financial gain** and resists those who try to undermine this.
3. **I support the relocation of Council's Works Depot** at 1 Carlotta Avenue to Suakin Street, Gordon.
4. **I support the need for and development of additional aged care facilities** within the Ku-ring-gai area.
5. **I support the redevelopment of Council's Works Depot site** at 1 Carlotta Ave Gordon **into an aged care / retirement village facility** with a 1:1 Floor Space Ratio and provision for 20% open space.
6. **I am opposed to the redevelopment of Council's Works Depot site** at 1 Carlotta Ave Gordon **to 5 storey residential apartments.”**

### RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b><i>Report title:</i></b>	2 YARRABUNG ROAD, ST IVES - ALTERATIONS AND ADDITIONS TO CREATE AN ATTACHED DUAL OCCUPANCY
<b><i>Ward:</i></b>	St Ives
<b><i>Development Application No:</i></b>	DA1076/03
<b><i>Subject Land:</i></b>	2 Yarrabung Road, St Ives
<b><i>Applicant:</i></b>	Byers C/- Glendinning Minto & Associates
<b><i>Owner:</i></b>	Mrs K M Byers
<b><i>Designer:</i></b>	G & A Draftline
<b><i>Present Use:</i></b>	Residential
<b><i>Zoning:</i></b>	2C
<b><i>Heritage:</i></b>	No
<b><i>Permissible Under:</i></b>	State Environmental Planning Policy No 53
<b><i>Council's Policies Applicable:</i></b>	Development Control Plan No 43 Car Parking, Development Control Plan 40 Waste Management, Dual Occupancy Code
<b><i>Compliance with Codes/Policies:</i></b>	Yes
<b><i>Government Policies Applicable:</i></b>	State Environmental Planning Policy No 53
<b><i>Compliance with Government Policies:</i></b>	Yes
<b><i>Date Lodged:</i></b>	27 August 2003
<b><i>40 Day Period Expired:</i></b>	6 October 2003
<b><i>Proposal:</i></b>	Alterations and additions to create an attached dual occupancy
<b><i>RECOMMENDATION:</i></b>	Recommended for approval

Item 1

**DEVELOPMENT APPLICATION NO:** DA1076/03  
**PREMISES:** 2 Yarrabung Road, St Ives  
**PROPOSAL:** Alterations and additions to create an attached dual occupancy  
**APPLICANT:** Byers C/- Glendinning Minto & Associates  
**OWNER:** Mrs K M Byers  
**DESIGNER:** G & A Draftline

## PURPOSE FOR REPORT

To determine a development application for alterations and additions to an existing dwelling to create an attached dual occupancy. Council has resolved that dual occupancy development applications are not to be determined under delegated authority.

## EXECUTIVE SUMMARY

- Alterations and additions to an existing dwelling to create an attached dual occupancy.
- No submissions received.
- Recommended for approval, subject to conditions.

## THE SITE

Zoning:	2C
Visual Character:	1945 to 1968
Lot Number:	31
DP Number:	14488
Area:	1027.9m <sup>2</sup>
Side of Street:	Eastern
Cross Fall:	Falls to the north eastern corner
Stormwater Drainage:	To the street
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

## SITE DESCRIPTION

The site known as 2 Yarrabung Road, St Ives Lot 31 DP 14488 is located on the corner of Yarrabung Road and Carcoola Road. The site is largely regular in shape and has an area of 1027.9 square metres. The site has a frontage to Yarrabung Road of 17.07 metres and a frontage to Carcoola Road of 48.145 metres.



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The site currently supports a part single storey, part two storey dwelling. This dwelling does not have any heritage significance.

## THE PROPOSAL

Is a new front fence part of the proposed development? No

Is a new swimming pool part of the proposed development? No

The proposal involves minor internal and external alterations to the existing dwelling to create an attached dual occupancy.

Dwelling One is proposed to consist of three bedrooms, kitchen, bathroom, meals room and dining and living room all on the one level. A double carport is proposed to service Dwelling One.

Dwelling Two is proposed to consist of a bedroom with ensuite, kitchen and dining and living room on the ground floor and a bedroom, rumpus room, study, laundry and a single garage on the lower floor.

## CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

No comments or objections have been received.

## CONSULTATION - WITHIN COUNCIL

### Council's Development Control Engineer

*This DA is recommended for approval, subject to engineering conditions.*

*Drainage to the Council's system in the informal table drain appears to be feasible. Driveway gradients are considered satisfactory. Accordingly, no objections are raised and conditions have been recommended.*

### Council's Landscape Development Officer

*An inspection of the property was conducted on 29 September 2003.*

*The proposal is supported with conditions.*

### Site description

*The site is a corner block. It slopes gently from the west to the east. There are numerous large Eucalypts and Angophoras located on the nature strip surrounding the property. There will be no negative impact on existing trees.*

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Other comment

*House No. 1 has less than the required minimum of 100m<sup>2</sup>. The design should also 'provide optimal, efficient and well lit open space'. Located on the south side of the building, the private open space will have minimal solar access.*

*The proposal is supported with conditions.*

SEPP 53 does not have a control relating to the minimum size of private open space. Council's Dual Occupancy Code requires that each dwelling should have a minimum 100 square metres of private open space. Each of the dwellings comply with this provision with Dwelling One having 230 square metres and Dwelling Two have 340 square metres of Private Open Space. The private open space of Dwelling One is not limited to the southern side of the dwelling. The private open space is located west of Dwelling One and will receive good northern solar access. This area of private open space is proposed to have effective landscape screening from Carcoola Road, Yarrabung Road and the adjoining southern neighbour at No 4 Yarrabung Road.

**Council's Heritage and Urban Design Consultant**

*My only comment is that the entrance to house No 2 is unattractive. The light timber stair runs in front of the bedroom window. It would be more convenient to have a ground floor entrance and stair where the study is located. This would necessitate relocating the first floor kitchen but would give a better result I feel.*

*I raise no objection to the carport or other alterations.*

Comment

The relocation of the entry for Dwelling Two to the ground floor, as suggested by the Heritage and Urban Design Consultant, would result in the removal of a tree that is proposed to be retained. It is preferred that this tree be retained. A significant amount of landscaping is proposed that will screen the stairs from the street. The entrance is therefore considered acceptable.

**PROVISIONS OF RELEVANT LEGISLATION**

**The Environmental Planning & Assessment Amendment Act 1979  
Section 79C**

**1. Environmental Planning Instruments**

- State Environmental Planning Policy No. 53 (SEPP 53)
- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- Development Control Plan 43
- Development Control Plan 40
- Council's Dual Occupancy Control Code

This application requires development consent under SEPP 53.

**State Environmental Planning Policy No. 53**

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

**Clause 3** of the SEPP states that these aims will be achieved by:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*
- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

**Clause 18** of the SEPP permits with Council's consent the creation of a dual occupancy development.

**Clauses 19 and 20** specify standards that must be complied with. A summary of compliance is as follows:

Clause	Standard	Proposal	Compliance
Lot size	400sqm	1027.9 sqm	Yes
Floor-space ratio	0.5:1	0.255:1	Yes
Car parking	3 car spaces	3 car spaces	Yes

**Clause 31** states that a consent authority cannot approve a development unless it has taken into consideration a Site Analysis prepared in accordance with the SEPP. The site analysis and associated documentation submitted with the application is satisfactory in terms of Clause 31 and Schedule 5 of SEPP 53.

**Clause 32** states that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

**a. Streetscape**

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The proposed development will not detract from the streetscape character. The minor extent of the works proposed will result in the development appearing largely the same as the existing dwelling when viewed from the street. The carport is proposed to be setback 6.6 metres from the front boundary and essentially flush with the front building line. This is considered acceptable given the open design of the structure, and that it is not possible to provide parking behind the front building line.

The landscaping proposed as part of the development will further ensure that the development contributes to an attractive streetscape character.

**b. Visual and Acoustic Privacy**

The proposal will maintain the levels of visual and acoustic privacy currently experienced by the neighbours of the development.

The proposed dual occupancy has been designed to ensure that the future residents of the development will receive adequate visual and acoustic privacy.

**c. Solar Access and Design for Climate**

The internal layout of each dwelling has been designed so that living areas are north facing and there will be no additional impact of overshadowing on adjoining properties.

**d. Stormwater**

Council's Engineers have made comments on the proposed development, advising of issues relating to the proposed development and stormwater disposal. Council's Engineer has indicated no objection to the proposed development.

**e. Crime Prevention**

Both dwellings have pedestrian access from Carcoola Road. Dwelling One has vehicular access from Yarrabung Road and Dwelling Two has vehicular access from Carcoola Road. Residents of each dwelling will be able to observe who approaches their dwelling without the need to open the front door.

**f. Accessibility**

Safe pedestrian and bicycle links are available to local facilities from the subject property. Convenient access and parking are available for future residents of the development and public parking is available in Yarrabung Road and Carcoola Road.

**g. Waste Management**

The proposed development can be provided with standard waste management

facilities in accordance with Council's requirements.

**h. Visual Bulk**

The additions to the existing building are minimal in that they are essentially limited to the double carport located at the south-western corner of Dwelling One. The carport will not increase the bulk of the building due to its open design. The proposal will therefore maintain reasonable neighbour amenity and appropriate residential character.

**Ku-ring-gai Planning Scheme Ordinance (KPSO)**

Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in relation to Dual Occupancy developments. However, the aims and objectives of the Ordinance as outlined in Schedule 9 are applicable to this application.

The proposed development is of a height, size and bulk in keeping with that of neighbouring properties. Therefore, the development will harmonise with the surrounding environment. The proposal is consistent with the aims and objectives relating to residential zones.

Clause 60c (2) of the KPSO generally applies a maximum built-upon area of 60%. The proposed built-upon area is 45.55%, and therefore complies.

**Development Control Plan 43-Carparking**

Development Control Plan No 43 requires the following provisions:

Minimum 1 car space per dwelling under 125 m<sup>2</sup>.

Minimum 2 car spaces per dwelling in excess of 125 m<sup>2</sup>.

Dwelling One is proposed to be 122.5 square metres, and Dwelling two is proposed to be 139.5 square metres. One car parking space is proposed for Dwelling One and two spaces are proposed for Dwelling Two. Car parking has been provided for each dual occupancy in accordance with DCP 43.

**Development Control Plan No 40 – Construction and Demolitions Waste Management**

The site is of a sufficient size to accommodate waste storage and recycling facilities associated with the proposed use in accordance with DCP 40.

**Council's Dual Occupancy Code**

Council has prepared a Development Control Code consistent with the requirements of Section 72 of the Environmental Planning and Assessment Act 1979. The code is intended to complement the statutory requirements of State Environmental Planning Policy No 53 in relation to dual occupancy development.

## Item 1

In the case of any inconsistency between this code and the provisions of State Environmental Planning Policy No 53, the provisions of State Environmental Planning Policy No 53 shall prevail. The aims and objectives of this Code should be read in conjunction with schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

A summary of compliance against the policy standard is as follows:

<b>Standard</b>	<b>Requirement</b>	<b>Compliance</b>
Streetscape	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes
Visual character	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes
Architectural design.	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes
Roof pitch.	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences.	Consider visual character study, existing fences, and landscape character.	NA
Visual privacy.	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens courtyard walls.	Yes
Acoustic privacy.	Minimise noise transmission, relationship to major roads.	Yes
Solar access.	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes
Energy efficiency	Designed to reduce energy use, consider thermal properties of construction materials.	Yes
Watercourses and drainage systems.	Retain ecological integrity. 100 year flood, riparian zone, etc..	NA
Stormwater disposal.	Site detention, reuses, and effect on vegetation.	Yes
On site detention.	Should be considered.	Yes
Water conservation.	Particular plumbing fittings.	Yes
Rainwater tanks	Should be considered.	Not proposed.

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Site and building design.	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes
Lighting.	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes
Vehicle access.	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, and safety. Heritage significance, existing trees.	Yes
Car parking.	Numbers, size, location, sympathetic to development.	Yes
Disabled access.	Travel paths, etc.	Disabled access is not proposed as part of this development.
Waste storage facilities.	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes
Building setbacks	Regard existing and pattern of street. Setback between occupancies is 7 metres. Side and rear to allow for landscaping. Upper level setbacks. Single storey setbacks.	The existing side setbacks will largely be retained.
Building form.	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes
Built upon area.	Comply with standard for development.(50% permitted)	Yes
Floor space ratio.	Comply with standard for development.(0.5:1 permitted)	Yes

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Building height.	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	The existing building height is not be altered.
Building envelope.	Comply with standard for development	Yes
Cut and fill.	Maximum 1800mm.	Yes
Views.	Protect significant views.	Yes
Private open space.	Comply with standard for development	Yes
Protection of bushland.	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes
Heritage.	Consider heritage impacts both within and outside the site.	Yes
Site and waste management.	Prepare site management plan.	This is not considered necessary given the scope of works
Pollution control.	Comply with Draft DCP No.47	Yes

## 2. Likely Impacts

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not within a wilderness area nor an area of critical habit.

The site can be adequately landscaped and conditions relating to soil erosion can be imposed. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

## 3. Suitability of The Site

The land is of a satisfactory shape and size to accommodate the proposed development and to enable it to integrate with the surrounding development and provide a suitable level of amenity for future occupants. Utility services are available to the site and there are not any site hazards such as flooding, landslip, contamination etc. The site is suitable for the proposed development.

## 4. Any Submissions

The application was notified in accordance with Council's Notification Policy. No submissions have been received.



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## 5. Public Interest

The application proposes a more intensified use of residential land in an established residential area. The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

### Any other Relevant Matters Considerations Not Already Addressed

Section 94 Contributions are payable for one additional dwelling in accordance with Council's December 2000 Section 94 Plan. There are no other relevant matters.

## CONCLUSION

The proposed development seeks to intensify the use of a residential allotment by constructing an attached dual occupancy. The design is sympathetic to the privacy of adjoining properties and will not impact adversely on the streetscape.

The proposal meets the objectives and standards of SEPP 53 and the KPSO and aims to make more efficient use of the land, as envisaged by SEPP 53.

The proposal is compatible with the bulk and scale of the surrounding dwellings.

The application has been considered in accordance with the heads of consideration as contained within the Environmental Planning and Assessment Act 1979 and there are no matters for concern that would warrant refusal. The application is recommended for approval, subject to conditions.

## RECOMMENDATION

That Development Application 1076/03 for an attached dual occupancy at 2 Yarrabung Road, St Ives, being Lot 31 DP 14488 be approved for a period of two years from the date of the Notice of Determination subject to the following conditions:

### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1076/03 and Development Application plans prepared by G & A Drafting, reference number 1000/03/1/2 and 1000/03/2/2, dated 22 June 2003 and lodged with Council on 27 August 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

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4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
10. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
11. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
12. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

13. Landscape works shall be carried out in accordance with Landscape Drawing No.0366 prepared by Jocelyn Ramsey and Associates and dated August 2003 submitted with the Development Application, except as amended by the following:
  - Specification to be provided
14. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
15. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
16. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
17. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Eucalypt sp</i> South of proposed carport, southern boundary	7.0 metres
<i>Eucalypt sp</i> South of proposed driveway, southern boundary, adjoining property	7.0 metres

18. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
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*Eucalypt sp* 7.0 metres  
South of proposed carport, southern boundary

*Eucalypt sp* 7.0 metres  
South of proposed driveway,  
southern boundary, adjoining property

19. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
20. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
21. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
22. So as to minimise glare, the carport roof is to be of subdued colour which is compatible with the surrounding environment.
23. External finishes and colours are to be sympathetic to the surrounding environment.
24. The existing pool is to be fenced in accordance with Council's policy "Swimming Pool Safety for Existing Pools".
25. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
26. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

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NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

27. For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway. The drainage line shall be connected to the street system.
28. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
29. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control*

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*Devices for Work on Roads”.*

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

30. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
31. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – “Off-Street car parking”.
32. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
33. The dual occupancy development approved under DA 1076/03 is to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
35. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
36. Vehicular crossing to be a minimum 3.7 metres wide in accordance with Council’s

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Specifications. An Application for the request for driveway levels is to be made prior to the issue of the Construction Certificate. The accessway inside the property is to have a minimum width of 2.9 for any straight sections and 3.1m for any curved sections.

37. Vehicular crossing is to be constructed perpendicular to the kerb line

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

38. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

39. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
40. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

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41. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

42. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be



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safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

43. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
44. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front façade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

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45. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

46. The proposed driveway to Dwelling One within specified radius of following tree/s, should be constructed with permeable paving over a porous sub grade, without excavation into the existing surface levels. Suitable materials include Rocla Eco-loc pavers or similar over sub grade of crushed river pebble, no fines concrete or washed river sand. Amended plans to be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.

Tree/Location	Radius From Trunk
<i>Eucalypt sp</i> South of proposed carport, southern boundary	7.0 metres
<i>Eucalypt sp</i> South of proposed driveway, southern boundary, adjoining property	7.0 metres

47. A cash bond/bank guarantee of \$1,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

48. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

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49. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - St Ives	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

50. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.

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51. a laundry for Dwelling One is to be provided in the cupboard space in the proposed meals room. Details to be submitted to Council prior to the release of the Construction Certificate.
52. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted prior to the issue of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

53. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
54. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
55. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Angophora costata</i> (Sydney Red Gum) North west corner of site	4.0 metres
<i>Corymbia gummifera</i> (Red Bloodwood) North west corner of site	3.0 metres
<i>Angophora costata</i> (Sydney Red Gum) North west corner of site/nature strip	5.0 metres
<i>Corymbia gummifera</i> (Red Bloodwood) North west corner of site/nature strip	6.0 metres

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56. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed Dwelling One/driveway shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Eucalypt sp</i> South of proposed carport, southern boundary	7.0 metres
<i>Eucalypt sp</i> South of proposed driveway, southern boundary ,adjoining property	7.0 metres

57. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
58. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

59. Prior to issue of the Final Compliance Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
60. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms

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13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

61. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
62. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:
  - a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

63. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

**BUILDING CONDITIONS**

64. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

65. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

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66. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

67. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

68. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
  - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
  - ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

69. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural



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engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

70. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

S Winnacott  
**Development Control  
Officer**

G Bolton  
**Team Leader, St Ives  
Ward**

M Miocic  
**Director  
Environment &  
Regulatory Services**

**Attachments:**      **Site Location Plan**  
                         **Site Analysis Plan**  
                         **Elevations**  
                         **Landscape Plan**

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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b><i>Report title:</i></b>	6 HOWARD STREET, LINDFIELD - SUBDIVISION OF ONE ALLOTMENT INTO TWO, ALTERATIONS AND ADDITIONS TO EXISTING DWELLING AND CONSTRUCTION OF NEW DWELLING ON NEW ALLOTMENT
<b><i>Ward:</i></b>	Roseville
<b><i>Development Application N<sup>o</sup>:</i></b>	842/02
<b><i>Subject Land:</i></b>	6 Howard Street, Lindfield
<b><i>Applicant:</i></b>	Mr Steven Yu
<b><i>Owner:</i></b>	Steven Yu & Hong Lan
<b><i>Designer:</i></b>	ACE Project Group Pty Ltd
<b><i>Present Use:</i></b>	Dwelling
<b><i>Zoning:</i></b>	Residential 2(a)
<b><i>Heritage:</i></b>	No
<b><i>Permissible Under:</i></b>	Ku-ring-gai Planning Scheme Ordinance
<b><i>Council's Policies Applicable:</i></b>	Development Control Plan No.38 - The Good Design Manual (4 February 2002 Version), Development Control Plan No.43 - Car Parking, Subdivision Code
<b><i>Compliance with Codes/Policies:</i></b>	Substantial Compliance
<b><i>Government Policies Applicable:</i></b>	SEPP 1 – Development Standards
<b><i>Compliance with Government Policies:</i></b>	Yes
<b><i>Date Lodged:</i></b>	21 June 2002
<b><i>40 Day Period Expired:</i></b>	31 July 2002
<b><i>Proposal:</i></b>	Subdivision of one allotment into two, alterations and additions to existing dwelling and construction of new dwelling on new allotment
<b><i>RECOMMENDATION:</i></b>	Approval, subject to conditions

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**DEVELOPMENT APPLICATION NO:** 842/02  
**PREMISES:** 6 Howard Street, Lindfield  
**PROPOSAL:** Subdivision of one allotment into two, alterations and additions to existing dwelling and construction of new dwelling on new allotment  
**APPLICANT:** Mr Steven Yu  
**OWNER:** Steven Yu & Hong Lan  
**DESIGNER:** ACE Project Group Pty Ltd

## PURPOSE FOR REPORT

Determination of an application for the subdivision of one allotment into two, construction of a dwelling on the new allotment, alterations and additions to the existing dwelling.

## EXECUTIVE SUMMARY

- The proposal involves subdivision of one allotment into two, construction of a dwelling on the new allotment and alterations and additions to the existing dwelling.
- Issues include non-compliance with the minimum allotment size and access handle width, loss of privacy and impact on watercourse.
- 6 objections received.
- Proposal has been assessed in accordance with Sections 79BA and 79C of the Environmental Planning & Assessment Act 1979
- Approval recommended, subject to conditions

## HISTORY

The application was received in June 2002. The initial design was notified to the adjoining neighbours. Six (6) letters of objection were received.

Council forwarded a letter to the applicant in January 2003 outlining a number of issues with regard to the design, the landscaping concept and impact on the watercourse.

In response, revised plans were received in April 2003, these were notified and six (6) letters of objection were received. The revised plans form the basis of this report.

## THE SITE

Zoning: Residential 2(a)  
Visual Character Study Category: 1920-1945  
Lot Number: 13  
DP Number: 816218  
Area: 2404m<sup>2</sup>

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Side of Street:	Northern
Stormwater Drainage:	OSD to watercourse
Heritage Affected:	No
Required Setback:	Not Applicable
Integrated Development:	Yes (DIPNR and NSW RFS)
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No
Section 94 Contributions:	Yes

## SITE DESCRIPTION

The subject property is located on the northern side of Howard Street. The site is a battle axe allotment, with a total area of 2404m<sup>2</sup> (2131 m<sup>2</sup> excluding the access handle). The site has a frontage to Howard Street of 4.63 metres, with a depth of approximately 131m along its longest boundary.

The site contains a two storey brick and tile dwelling located on the eastern side of the subject site. The existing dwelling has no heritage value. An in ground pool also exists on site, located towards the rear (northern) boundary. Vehicular access is provided by a driveway that is located partly on the access handle serving the site and partly within the right of carriage way on No. 4 Howard Street. There is an existing watercourse that generally runs along the eastern boundary of the site. The site slopes towards the existing watercourse.

The surrounding area is developed for residential purposes and contains a mix of dwelling types. In particular, development within this section of Howard Street contains a variety of large single and two storey dwellings.

## THE PROPOSAL

Is a new front fence part of the proposed development?	No
Is a new swimming pool part of the proposed development?	No

The proposal involves the subdivision of the existing allotment into two, alterations and additions to the existing dwelling and construction of a dwelling on the new allotment. Proposed lot 1 will have a site area of 998m<sup>2</sup> (excluding the access handle) and will accommodate the existing dwelling. Proposed lot 2 will have a site area of 1111 m<sup>2</sup> (excluding the access handle) and will accommodate the proposed dwelling.

Alterations and additions are proposed to the existing dwelling, on proposed lot 1. The additions incorporate a new double garage, additional living area to the ground floor and alterations to the first floor to provide a sitting room and a balcony. The existing dwelling will be cement rendered and re-clad with terracotta roof tiles.

It is proposed to erect a two-storey dwelling on lot 2 that is also cement rendered with terracotta

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roof tiles. A setback of 12 metres is proposed on the rear (northern) boundary, with a minimum setback of 9.0m to the watercourse and approximately 11.5 metres to the eastern (side) boundary.

The application also seeks demolition of the existing in-ground pool.

## **CONSULTATION - COMMUNITY**

In accordance with Council's policy, adjoining owners were given notice of the application.

The following comments have been received:

Mr Whyte & Ms Hamilton – 49 Tryon Road, Lindfield

Mr & Mrs Zorian – 51 Tryon Road, Lindfield

Mrs K Vio – 4 Howard Street, Lindfield

Gail D'Cruz – 14 Howard Street, Lindfield

Mr & Mrs Adams – 12 Howard Street, Lindfield

Anthony Zantiotis – 16 Howard Street, Lindfield

### ***Overdevelopment of the site. (3)***

The proposal seeks approval for the subdivision of one lot into two. There is a minor non-compliance with the minimum allotment size with respect to lot 1 and an objection under SEPP 1 has been submitted in this regard. The proposed allotment size is consistent with the existing subdivision pattern within the immediate locality. The proposed dwelling complements the existing dwellings within the immediate vicinity and complies with Council's Development Control Plan 38 in respect of floor space, height and built-upon area. Accordingly, the proposal is not considered to be an overdevelopment.

### ***Loss of visual and acoustic privacy to adjoining northern premises from bedroom and living room windows of new dwelling and from balcony of existing dwelling. (2)***

Both the proposed and existing dwellings have a minimum setback of 12 metres from the rear (northern) boundary, which is sufficient separation to enable retention of existing vegetation and provision of additional screen planting. The main living areas of the existing dwelling are located on the ground floor and, as such, the first floor balcony, which serves a bedroom and a small sitting room, will not be used as the main entertainment area. The setback and landscaping are sufficient to maintain privacy to the adjoining premises.

The proposed dwelling does not have balconies on the first floor level.

### ***Proximity and impact on existing watercourse. (2)***

Council's Development Engineer and the Department of Land & Water Conservation (Department of Infrastructure, Planning and Natural Resources) have assessed the proposal and have no objections to the location of the new dwelling with respect to the existing watercourse. The applicant has submitted a flood study which indicates that the proposed dwelling is above the 100

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year flood line. A riparian zone will be established, which will incorporate native and locally occurring species to ensure the creek is maintained and improved.

***Proposed Lot 1 does not comply with the minimum allotment sizes required by Council and the proposed access handles do not comply with the minimum widths required by Council. (3)***

The proposed subdivision results in non-compliances with respect to the minimum access handle widths and the allotment size of proposed Lot 1. The applicant has submitted an objection under State Environmental Planning Policy No. 1 in this regard. With respect to the access handle width, the subject site has benefit of a right of carriageway over No. 4 Howard Street providing for a total access width of 9.2m which is sufficient to provide safe vehicular access to the proposed allotments. Council's Development Engineer has assessed the application and supports the proposal with conditions requiring a traffic mirror in the access-way and the provision of a 5.5 metres wide crossing. **(See Conditions Nos 35 and 77)**

With respect to the minimum allotment size, proposed lot 1 results in a minor non-compliance of 9%. The proposed allotment size is consistent with the existing subdivision pattern and is sufficient to accommodate the existing dwelling and ensure a reasonable level of amenity to the adjoining properties.

***Potential damage to existing driveway on No. 4 Howard Street. (2)***

Any damage to the driveway of No. 4 Howard will need to be repaired by the applicant. Council's Development Engineer supports the application with an imposition of a condition requiring any infrastructure within the road reserve, street frontage or within close proximity that has been damaged as a result of the construction works are to be repaired prior to the issue of any occupation certificate. **(See Condition Nos.96 and 103).**

***Impact on existing trees along the existing driveway. (1)***

Council's Landscape Development Officer has assessed the application and has no objection to the proposal. The proposal will not have any detrimental impact on any significant vegetation within the access handle.

***Non-compliance with DCP 38 with respect to floor area of first floor and bulk and scale.***

The Statement of Environmental Effects submitted with the application indicates that the first floor of the proposed dwelling is 43.9%. However, revised plans have been submitted which provide for a first floor area of 77.15m<sup>2</sup>. The total floor area is 218.49 m<sup>2</sup>. Therefore the first floor area represents only 35% of the total floor area.

Both the additions to the existing dwelling and the new dwelling provide for appropriate articulation and varied setbacks and are of a bulk and scale which is compatible to the existing built form within the immediate vicinity.

***Loss of trees (1)***

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Council's Landscape Development Officer has assessed the application and has no objection to the removal of the 3 trees (*White Stringybark* – poor condition; *Sydney Peppermint* – poor condition and *Juniper sp.* – healthy condition. The proposal retains the majority of the vegetation on the site and substantial areas of open space to provide additional vegetation including canopy trees.

***Loss of privacy to rear yard of No. 16 Howard Street. (1)***

No. 16 Howard Street is located adjacent to the eastern boundary of the subject site. The proposed dwelling is located approximately 11.5 metres from the eastern boundary. This setback will form part of the riparian zone of the watercourse and, as such, will be planted with native and locally occurring vegetation, which will also serve as a herbaceous privacy screen. Further, the dwelling on lot 2 has all living rooms on the ground floor, with only bedrooms and bathrooms on the first floor. Therefore, it is considered that privacy to No. 16 Howard Street will be maintained.

***Plans do not indicate adjoining properties.***

The site plan correctly identifies the immediate surrounding features, including the position of adjoining properties. The existing and proposed dwellings are sufficiently separated from the adjoining properties to ensure that amenity is maintained and to sustain landscaping comprised of screen planting and canopy trees.

**CONSULTATION - WITHIN COUNCIL**

**Landscape Development Officer**

*The proposal is supported, subject to conditions of consent which are included in the recommendation of this report.*

**Development Control Engineer**

*The development is for a dual occupancy development.*

*The existing dwelling is to be retained and modified. Additionally a new dwelling is to be constructed, as a detached dual occupancy.*

*The land drains to a watercourse that is located in the public land to the east of the development. This watercourse is in the unformed public lane way*

*The increased stormwater runoff is to be being dealt with by the construction of a proposed stormwater detention system.*

*The applicant will be conditioned to provide a "first flush" water quality treatment system as per Council's normal procedure.*

*The existing public road will satisfactorily handle the increase in traffic resulting from the*

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*development. Soil testing and pavement testing of the existing private accessway is required to demonstrate the pavement is of sufficient standard to withstand the traffic loading over the life of the project.*

*The development will place additional pressure on the existing road shoulder, which is in a poor state of repair, and needs to be properly constructed. There is a warrant to have the applicant to bring the road shoulder up to current acceptable standards.*

*The applicant has provided engineering plans for drainage, and as a concept, they are acceptable. However, they require amendment and to this end, the application has been conditioned, detailing the refinements required. The plans can be stamped as approved concept plans, on the proviso that the refinements are made at the Construction Certificate stage.*

*There are no engineering objections to the proposal.*

*The engineering works to be constructed in relation to this development are :-*

- 1) On Site Detention for both the existing house and the new house.*
- 2) Drainage from the development to be piped to 0.5 m above the invert of the watercourse.*
- 3) Headwall and dispersal system at creek*
- 4) First flush stormwater system.*
- 5) Construction of a new 5.5m wide crossing.*
- 6) Guard rails where driveway drops off greater than 200mm or steeper than 1 in 4.*

## **CONSULTATION - OUTSIDE COUNCIL**

### **NSW Rural Fire Service**

*The proposal for the boundary adjustment falls within the operation of Section 100B of the Rural Fires Act 1997 and as such requires a Bush Fire Safety Authority.*

*Having considered the proposal, the NSW Rural Fire Service (RFS) is prepared to grant a Bush Fire Safety Authority in relation to the proposed subdivision, additions/alterations to the existing dwelling and construction of a new dwelling and requires all dwellings to be built to Level 1 under AS3959 and further that hydrants be located for the development in accordance with AS 2419.1.*

*This response is to be deemed the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997 as required under the Environmental Planning & Assessment Regulations.*

*An appropriate condition has been included in the recommended Development Consent. (See Condition 55.)*

### **Department of Land & Water Conservation**

*The Department of Land & Water Conservation has reviewed the subject development application for works within 40 metres of a watercourse/foreshore for the purposes of the River Foreshores Improvement Act (1948). The department proposes to approve the development as presented.*



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The condition of consent recommended by the department has been incorporated into the recommended development consent. (See Condition No. 42).

## **PROVISIONS OF RELEVANT LEGISLATION**

### **The Environmental Planning & Assessment Amendment Act 1979 Section 79C**

#### **1. Environmental Planning Instruments**

This application is a Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act and the proposal does require development consent under the Ku-ring-gai Planning Scheme Ordinance.

#### **Ku-ring-gai Planning Scheme Ordinance (KPSO)**

The subject site is zoned Residential 2(a). Subdivision and the construction of a dwelling are permissible under in the Residential 2(a) zone with the consent of Council.

Clause 46(2) of the Ku-Ring-Gai Planning Scheme Ordinance limits the height of residential dwellings to 8 metres. Both the existing and proposed dwelling comply with this requirement.

Clause 60C(2) of the KPSO (as amended to 12 April 2002) permits a maximum of 60% of the site as "Built-Upon Area". Proposed lot 1 will have a built-upon area of 35.8% and proposed Lot 2 will have a built-upon area of 24.4%. Therefore, both allotments will comply with this requirement.

Clause 58B(3)(a)(iii) of the KPSO requires a minimum allotment size of 1105m<sup>2</sup> for hatchet shaped allotments within the Residential 2(a) zone. This clause also requires the access corridor to have a width not less than 4.6 metres. Proposed Lot 1 has a site area of 998 m<sup>2</sup> which does not comply with this requirement. An objection under the provisions of SEPP 1 has been submitted in this respect and is considered in detail later in this report. Proposed Lot 2 has a site area of 1111 m<sup>2</sup> which complies with this requirement. Proposed lot 1 has an access handle width of 2.8 metres, with the access handle serving proposed lot 2 having a width of 1.83 metres, which do not comply with this clause. A SEPP 1 has been submitted in to this non-compliance. The SEPP 1 objections are considered later in the report.

There are no other specific prescriptive controls in relation to residential dwelling development in the KPSO. However, the aims and objectives of the ordinance as outlined in Schedule 9 are applicable to this application and are summarised below:

##### **a. Amenity and Environmental Character**

The design has generally taken into consideration the appearance from the adjoining allotments and the street. The works will result in a building that will compliment

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adjoining and surrounding development. There is a large variety of dwelling styles within the immediate vicinity. There is also adequate existing vegetation to maintain a reasonable level of amenity to adjoining and adjacent properties and to accommodate stormwater infiltration. Both the existing and proposed dwellings provide for appropriate separation to the adjoining properties to maintain privacy. The existing and proposed dwellings will not be visible from Howard Street.

**b. Relationship with adjoining dwellings**

The subject development is compatible with the existing character and scale of buildings on adjoining properties, whilst still maintaining sufficient separation between buildings. The development will not result in any adverse impacts by way of overshadowing, loss of views or privacy. As such, the proposal is satisfactory in relation to its impact on the amenity of surrounding properties.

**c. Access to sunlight for neighbouring dwellings**

Shadow diagrams have been submitted. Given the orientation of the allotment, the proposal will not result in unreasonable overshadowing to any adjoining property. The proposal results in minimal overshadowing to the adjoining western property at 9am on the winter solstice. However, the shadow does not extend past the shadow cast by the existing timber paling dividing fence. Similarly, there is minimal overshadowing to the adjoining southern property, No. 4 Howard Street at 3pm on the winter solstice. However, the shadow does not extend the dwelling or the primary private open space of No. 4 Howard Street. Accordingly, the proposal maintains reasonable solar access to adjoining properties.

**d. Overlooking**

The proposal has been designed to minimise loss of privacy to adjoining properties. All high use living areas of both the existing and proposed dwellings are located on the ground floor.

A sitting room and balcony are provided to the first floor of the dwelling on proposed lot 1 (existing dwelling). The balcony is set back a minimum of 12 metres from the rear northern boundary of the site. This is a substantial setback that will allow for appropriate screen planting to the adjoining property. The landscape plan incorporates a variety of screen planting along the rear boundary, with additional screen planting along the southern boundary of lot 1 to be provided as required by Council's Landscape Development Officer.

Similarly, with respect to the proposed dwelling on Lot 2 a rear boundary setback of 12 metres has been provided, which is appropriate to provide separation and landscaping to provide privacy. A setback of 11.5 metres is provided to the eastern (side) boundary. The watercourse is located within this setback. A riparian zone will be created, incorporating plantings of native and locally occurring species which also serve to

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ensure privacy to the adjoining eastern premises.

A setback of approximately 5.5 metres is provided between the two dwellings within the proposal. In conjunction with additional plantings and significant slope of the site appropriate privacy will be provided to the occupants of both dwellings.

**e. Landscape quality and soft landscape area**

The subject site is within an area that is characterised by a variety of dwelling styles, which are complemented by the provision of open spaces, garden areas and landscaping. Lot 1 has a landscaped area of 64.2%, with Lot 2 providing a landscaped area of 75.6% which is appropriate in this locality and complies with the Ku-Ring-Gai Planning Scheme Ordinance and Development Control Plan 38.

Any development of this site will require the provision of a riparian zone to provide appropriate vegetation and to stabilise the existing watercourse.

The development would be comparable with the predominant landscape quality of the existing locality.

**f. Height, Size and Bulk**

The bulk, height and scale of the proposed development is compatible with the adjoining development and those in the locality. Given that the site is a battle axe allotment, the proposal will not be visible from the street. There are a variety of dwelling styles within the immediate locality, including single storey Californian bungalows and larger, two storey, dwellings.

**g. Style of dwellings**

The Visual Character Study identified the areas as being of 1920-1945 era in terms of built form. The architectural style of the proposal is consistent with that adjoining and in the surrounding area.

**h. Forward entry and exit of vehicles**

The application provides two off-street car parking spaces per dwelling in the form of a garage which is integrated into the dwelling design. The design incorporates a vehicular turning circle to enable vehicles to enter and leave the site in a forward direction. In addition, Council's Development Engineer has raised no objection to the design, which is considered to provide for safe and effective access to the site.

The objectives stated in Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance, seek to ensure that the built form and intensity of new developments respects the scale, character and density of existing development and does not detrimentally affect or degrade the amenity of surrounding residents or the existing quality of the environment.

The development will be compatible with the size and scale of adjoining properties, and therefore in character with the locality.

### **State Environmental Planning Policy No. 1 (SEPP 1) – Development Standards**

The proposed subdivision results in a non-compliance with clause 58B(3)(a)(iii) with respect to the minimum required allotment size and the minimum width of access handles. Proposed Lot 1 has a site area of 998m<sup>2</sup> where this clause requires a minimum allotment size of 1105 m<sup>2</sup> in the Residential 2(a) zone. Proposed Lots 1 and 2 provide for access handle widths of 2.8m and 1.83m, respectively, whereas this clause requires a minimum width of 4.6 metres. A SEPP 1 objection has been submitted with respect to these non-compliances. The SEPP 1 prepared by MG Planning Pty Ltd indicates that compliance with the minimum lot size standard and minimum handle width is considered unreasonable and unnecessary as:

- *The departure from the minimum lot size is minor and will still result in a lot size compatible with surrounding residential properties;*
- *The proposed subdivision will not result in any undue environmental impacts, privacy will be maintained, no overshadowing will occur and the leafy streetscape will not be affected;*
- *The narrower battle-axe handle width will not impact on the traffic safety, as an existing driveway already exists which incorporates a right of way over the adjoining property;*
- *Compliance with the minimum handle width cannot be achieved because the eastern section of the site and adjoining 'laneway; are actually part of the creekline.*

### **Minimum Allotment Size**

With respect to the lot size of proposed Lot 1, of 998m<sup>2</sup>, there is a non-compliance of 107m<sup>2</sup> or 9.6%. Proposed lot 1 is consistent with the existing subdivision pattern of the surrounding locality. Lot 1 is of sufficient size to accommodate the existing dwelling without impacting on the amenity of the surrounding properties, including proposed lot 2. Lot 1 is also of sufficient size to allow landscaping, including canopy trees and appropriate open space. Therefore, in this instance strict compliance with Clause 58B(3)(a)(iii) minimum allotment size, is unnecessary. The proposed subdivision achieves the intended objectives of minimum allotment sizes. Accordingly, the SEPP 1 objection is well founded.

### **Minimum Access Handle Width**

The subdivision will result in two battle-axe allotment, Lot 1 and Lot 2, with access handle widths of 2.8m and 1.83m, respectively. Clause 58B(3)(a)(iii) requires access handles to be a minimum of 4.6 metres wide. The objective of this clause is to ensure safe and convenient access to proposed allotments. The subject site benefits from a right of carriageway over No. 4 Howard Street which has a minimum width of 4.6 metres. An existing driveway is located partly over the access handle and partly over the right of carriageway. The driveway allows for passing of vehicles. This driveway will be retained and both the proposed allotments will

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have benefit of this right of carriageway, as such, appropriate and safe vehicular access is provided to the proposed allotments.

Council's Development Control Engineer has assessed the application and has no objection to approval, subject to a condition requiring construction of a new 5.5m wide vehicular crossing and a suitable traffic mirror to be installed to assist in sight distance along the accessway.

Therefore, in this instance, strict compliance with Clause 58B(3)(a)(iii) minimum access handle width is unnecessary and the proposal achieves the objectives of minimum access handle widths. Accordingly, the SEPP 1 objection is well founded.

### **Subdivision Code**

Council's Subdivision Code generally reflects the Development Standards of the Ku-ring-gai Planning Scheme Ordinance with respect to subdivisions. The Code also provides additional requirements, a summary of the requirements of this code is provided in the following table:

<b>Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
CI 2.1(d) – Frontages & Dimensions 3 lots using access – 9.15m total width.	Total width – 4.63m	No. However, the proposed access is of sufficient width to allow safe and convenient vehicular access.
CI 2.1(e) No dwelling shall be erected on an allotment where width is less than 18.29 metres.	Width Lot 1 – 19.885m Width Lot 2 – in excess of 20m	Yes
CI 2.2.2 Minimum allotment size. Hatchet Allotment – 1105m <sup>2</sup>	Lot 1 – 998 m <sup>2</sup> Lot 2 - 1111 m <sup>2</sup>	Lot 2 - Yes. Lot 1 – No. However, the allotment size is compatible with the existing subdivision pattern, and allows for a dwelling to be constructed that will maintain the amenity of the adjoining properties.

Clause 4.7 Bushfire Protection requires that any proposed development site shall be assessed as to its potential bushfire hazard in accordance with the Department of Environment and Planning Circular No 71. It requires measures to be taken on the development sites that will alleviate or reduce the risk from bushfire. In this regard, the application has been referred to and assessed by the NSW Rural Fire Service. In their assessment the NSW RFS requires that the alterations and additions to the existing dwelling and the proposed dwelling are to be built to Level 1 Construction under AS3959 and also requires hydrants to be located in accordance with AS2419.1. An appropriate condition is recommended (see Condition No.55).

### **Development Control Plan No. 38 (Good Design Manual)**

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The proposal has been assessed against the relevant provisions of this DCP, with particular reference to the following Design Elements.

**a. Streetscape**

Clause 5.1.4 states that the required minimum setback from the long boundary for rectangular battle-axe allotments is 15% of the site width or 3 metres whichever is the greater. This clause also states that with respect to irregular battle-axe blocks or in special cases, Council may vary these figures. The proposed allotments are irregular battle-axe allotments.

With respect to the dwelling on lot 1, a setback of 3.3 metres is required to both the eastern and proposed western boundaries. The dwelling provides for setbacks of 4.2 metres and 4.4 metres to the eastern and western boundaries, respectively and thereby complies.

The dwelling on lot 2 requires a setback of 3.6 metres to both the eastern and western boundaries. The proposal provides for setbacks of less than 1.0m to the proposed eastern boundary and approximately 11.5 metres to the western boundary. In the case of proposed lot 2, which is an irregular battle-axe allotment, the proposed dwelling has been designed to minimise impacts on the existing watercourse. The setback to the watercourse is maximised and a riparian zone is provided. Considering that the non-compliance relates to a garage, a small portion of the family room, is at a significantly lower level than the dwelling on proposed lot 1, and complies with Council's building height plane, the non compliance is acceptable.

Clause 5.1.3 requires a minimum rear boundary setback of 25% of the average site depth, where the depth of the site is less than 48 metres. Lot 1 has an average depth of approximately 40 metres and requires a setback of 6.0m. The proposal provides for a setback of 12m which complies with this requirement. Lot 2 has an average depth of approximately 46m and as such requires a setback of 6.9 metres. The proposal provides for a setback of 12m which complies with this requirement.

The DCP also requires that the first floor of any dwelling to be set back 2.5m or 15% of the site width, which ever is the greater. There is a minor non-compliance with respect to the ensuite on the first floor of the proposed dwelling on lot 2. However, given the location of the watercourse and the fact that it is only ensuite which will not result in any loss of privacy the setback as proposed is appropriate. Further, the dwelling is provided with sufficient articulation and varied setbacks to minimise bulk and scale and achieves the objectives of this clause.

**b. Building Form**

The maximum permissible floor space for proposed lot 1 is 369.5 m<sup>2</sup> or 37% and for proposed lot 2 the maximum permissible floor space is 392.2 m<sup>2</sup> or 35%. The proposal provides for a total floor area of 312.79 m<sup>2</sup> for lot 1 and 242.76 m<sup>2</sup> for lot 2, which complies with this requirement.

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Clause 5.2.2 specifies that the maximum height of dwellings be two storeys and 7.0m where slope is less than 20 degrees. With respect to the existing dwelling on proposed lot 1 it is noted that there is no increase in the overall height of the building. The maximum ceiling height of the proposed dwelling on lot 2 is approximately 6.0m which complies with this requirement.

The DCP specifies a building height plane, which extends at a 45 degrees angle from 3m above the boundary. The proposal complies with the building height plane.

Shadow diagrams have been submitted. The proposal does not result in excessive overshadowing to the adjoining properties.

Clause 5.2.7 permits a maximum built-upon area of 54% for lot 1 and 52% for lot 2. The proposal provides for a built-upon area of 35.8% for lot 1 and 24.4% for lot 2 which complies with the requirements of this Clause. All collected stormwater will be drained to the watercourse via an On-site Detention System.

Both the alterations to the existing dwelling and the new dwelling have been designed to comply with the design requirements of Clause 5.2.8 by providing appropriate articulation and the use of varied setbacks to minimise bulk and scale and allow for adequate landscaping.

**c. Open Space and Landscaping**

The proposed development upholds the relevant objectives within Development Control Plan No 38. The proposal maintains a soft landscaping component that is not unlike that on adjoining properties and in the nearby locality. The proposal provides for a landscaped area of 64.2% for lot 1 and 75.6% for lot 2 which complies with the DCP requirement of 50%.

**d. Privacy and Security**

The proposed alterations and additions and the new dwelling have been designed to minimise loss of privacy to the adjoining properties. Both dwellings incorporate all living rooms on the ground floor with bathroom and bedrooms on the first floor. With respect to the first floor balcony on the northern elevation of existing dwelling, it is noted that this balcony is an extension to the existing balcony. The setback of 12 metres to the northern boundary will allow for appropriate screen planting in addition to the retention of the existing canopy trees. The landscape plan incorporates species that will attain 4-5 metres in height which is sufficient to provide privacy. As such, privacy to the adjoining properties will be maintained. Similarly, with respect to the proposed dwelling on lot 2, that the setbacks to both the northern and eastern boundaries are sufficient to incorporate landscaping and maintain privacy to the adjoining properties.

With respect to the privacy between the existing dwelling on lot 1 and the proposed dwelling on lot 2, it is considered that the substantial change in ground level in addition

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to additional screen planting will ensure that privacy is provided.

**e. Access and Parking**

The proposal provides for 2 parking spaces to both the existing and proposed dwellings. The garages are integrated into the design of the dwellings. The design enables vehicles to enter and leave the site in a forward direction.

**f. Water Management**

The site includes an existing watercourse. In this regard the application has been referred to the Department of Land & Water Conservation for their comment. The department has indicated that:

*'The Department of Land & Water Conservation has reviewed the subject development application for works within 40 metres of a watercourse/foreshore for the purposes of the Rivers Foreshores Improvement Act (1948). The department proposes to approve the development as presented.'*

Clause 5.6.2 requires a riparian zone is to be provided around existing watercourses. The width of the riparian zone is to be either 10 metres from the top of the bank or as calculated by a consultant engineer for the 100 year flood zone. A flood study has been submitted which indicates that the setback as proposed is appropriate. There is an extensive riparian zone provided on the eastern side of the watercourse. Council's Drainage Engineer has assessed the application and has no objection to the proposal, subject to conditions of consent.

The proposed site coverage for Lots 1 and 2 is 35.8% and 24.4%, respectively which complies with the maximum 60% permitted by the Ku-ring-gai Planning Scheme Ordinance. All collected stormwater can be drained to the existing watercourse. No objections are raised by Council's Engineering Section to the proposed method of disposal and this matter has been addressed in conditions contained in the recommendation. Submission and approval of a Waste Management Plan prepared in accordance with the DCP 40 have been included as a condition in the recommendation.

**2. Likely Impacts**

The proposal has been designed with due consideration to the amenity of adjoining properties and the locality. There will be no unreasonable impacts upon the amenity of the adjoining residents, the streetscape or the character of the locality.

The development will not result in any material impacts by way of overshadowing, loss of views or privacy. The development satisfies the objectives of the residential zone.

**3. Suitability of The Site**



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The site is of sufficient size and shape to accommodate the proposed development. It is not subject to hazards such as bushfire, flooding, landslip and contamination and all necessary urban services are available. The proposed works are largely compatible with those found in the locality and will not have an adverse impact on the subject site, adjoining properties or surrounding development.

Having considered the size and scale of the surrounding developments and the nature of external finishes and materials observed within the immediate locality the proposal is in keeping with the area.

#### **4. Any Submissions**

The submissions received have been discussed within this report and where appropriate, conditions of consent have been imposed to address the issues raised as a result of the notification process.

#### **5. Public Interest**

Relevant public interest issues have been considered. Approval of the application will not be contrary to the public interest.

### **CONCLUSION**

The application has been assessed having regard to the provisions of the Environmental Planning and Assessment Act 1979 (as amended), the Ku-Ring-Gai Planning Scheme ordinance and Development Control Plan No 38 (The Good Design Manual). It is considered that the application substantially addresses the relevant requirements of these documents and will not result in significant material impacts to adjoining properties.

### **RECOMMENDATION**

- A. That Council supports the SEPP 1 variations with respect to minimum allotment sizes and minimum access handle width.
- B. That Development Application DA 842/02 for the subdivision of one allotment into two, alterations and additions to the existing dwelling, and construction of a new dwelling on the new allotment at Lot 13 in DP 816218 being No. 6 Howard Street, Lindfield, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

### **GENERAL**

- 1. The development to be in accordance with Development Application No 842/02 and Development Application plans prepared by ACE Project Group Pty Ltd, reference number A01B to A08B, dated May 2002 and lodged with Council on 28 April 2003.

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2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact

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details of the Principal Certifying Authority.

12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

18. All noise generating equipment associated with any proposed mechanical ventilation system/s

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shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

19. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
20. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

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24. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
25. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
26. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
27. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
28. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
29. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
30. For stormwater control all paved areas are to be drained to the main drainage system.
31. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the watercourse within the laneway to the east. The stormwater discharge line shall be taken to a point, which is 0.6m above the invert of the existing creek. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.
32. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the "inflow and outflow" pipes do not line up. In this way the pit will act as an energy dissipater.

The headwall structure at the watercourse is to be solidly constructed from mortared sandstone bushrock such that it has a low impact on local landscape and vegetation and does not impede flows along the watercourse nor will lead to ongoing erosion of the watercourse.

33. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual.

OSD systems are to be provided for both the existing and the new residence.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

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An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

34. During construction of (a) the crossing and (b) the bitumen deep lift section between the edge of seal and the new dish crossing, the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 "Closing a footpath", (being on Page 20 & 21), of SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1.

The traffic management measures shall be implemented prior to the commencement of any works on-site including excavation.

35. The provision of a suitable traffic mirror on the bend in the accessway to assist in sight distance along the accessway.
36. Minimum doorway width for double garage to be 4.8 meters in accordance with AS 2890.1 - 1993.
37. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the affected services.

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38. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
39. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
40. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
41. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
42. **Compliance with the general terms of approval issued by NSW Rural Fire Services and the Department of Infrastructure, Planning and Natural Resources.**
43. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.  
  
Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
44. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
45. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
46. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
47. All disturbed areas, which are not to be built upon or otherwise developed, shall be

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rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.

48. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
49. Constructed slopes greater than 1:3 gradient shall be vegetated immediately earthworks are completed.
50. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
2 <i>Syncarpia glomulifera</i> (Turpentine) Close to the Lot's southwestern corner	5.0 metres

51. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
52. On completion of the landscape works, tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
53. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

*Acer negundo* (Box Elder)  
*Acetosa sagittata* (Turkey Rhubarb)  
*Ageratina adenophora* (Crofton Weed)  
*Asparagus densiflorus* (Asparagus Fern)  
*Cinnamomum camphora* (Camphor laurel)  
*Ipomoea indica* (Morning Glory)  
*Jasminum polyanthum* (Jasminum)  
*Lantana camara* (Lantana - Pink Flower)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Ochna serrulata* (Ochna)  
*Olea europaea subsp. africana* (African Olive)



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*Parietaria judaica* (Pellitory)  
*Ranunculus repens* (Creeping Buttercup)  
*Setaria palmifolia* (Palm Grass)  
*Solanum mauritianum* (Wild Tobacco)  
*Tradescantia albiflora* (Wandering Jew)

54. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
55. **In order to ensure that a suitable level of protection is provided for the property and its occupants in the event of bushfire attack, the works to the new and existing dwellings are to be constructed in accordance with the requirements for Level 1 Construction under AS 3959 "Construction of buildings in bushfire- prone areas" and that hydrants be located for the development in accordance with Australian Standard 2419.1.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

56. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

57. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
58. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent

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public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

59. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Lindfield	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

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60. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

61. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m <sup>2</sup>

- All noxious plants and weeds, and exotic ornamental species shall be removed from the watercourse embankment. All mature Cinnamomum camphora (Camphor laurel) shall be removed as the site is located within 500 metres of urban bushland. Their trunks shall be cut off horizontally and close to ground level and the stumps poisoned using a biodegradable herbicide as per manufacturer's recommendations.
  - All replenishment plantings below the top edge of the watercourse embankment shall be derived from species within the Sydney Turpentine/Ironbark Forest assemblage of vascular plants that naturally inhabit riparian zones.
  - All mulch shall consist of native leaf litter instead of woodchip.
  - At least 50% of all tree and shrub plantings within the site, beyond the top edge of the watercourse embankment, shall be derived from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants, as the site is located between 100 and 300 metres from urban bushland.
62. A plan detailing screen planting of the southern boundary of Lot 1 shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 metres.
63. Lots 1 and 2 shall support a minimum number of 5 and 6 trees respectively, that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of

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Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

64. The 2 and 4 trees to be planted within Lots 1 and 2 respectively, shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
65. A cash bond/bank guarantee of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

66. A cash bond/bank guarantee of \$5,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Lot 1:

2 *Syncarpia glomulifera* (Turpentine)  
Close to the Lot's southwestern corner

1 *Syncarpia glomulifera* (Turpentine)  
Close to the Lot's central northern corner

Lot 2:

1 *Angophora costata* (Sydney Red Gum)

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Close to the Lot's northwestern corner

1 *Syncarpia glomulifera* (Turpentine)

Close to the Lot's central northern corner

67. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

68. The stormwater detention tank and discharge pit shall be located no closer than 6 metres from the trunks of 2 *Eucalyptus microcorys* (Tallowood) growing within 51 Tryon Road, Lindfield. Details for the stormwater detention system shall be submitted to Council of approval prior to the release of the Construction Certificate.

69. To minimise adverse impact upon the *Juniperus sp.* (Juniper) located within No 14 Valley Road and to provide space for the establishment of screen planting adjacent to the southern boundary, the garage for Lot 1 shall be located a minimum distance of 1 metre from the southern boundary. Details for the garage shall be submitted to Council for approval prior to release of the Construction Certificate.

- 70. The driveway shall be redesigned so that no part of it, including the turning bay, protrudes beyond the top edge of the watercourse embankment. Details for the driveway shall be submitted to Council for approval prior to the release of the Construction Certificate.**

71. The drainage concept design, by J Lind P/L Drawing No. 02414-1&2 dated May 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-

- i) For the drainage lines from each of the two-stormwater systems, the outlet is at the watercourse is to be at a point, which is 0.5m above the invert of the watercourse. The outlet must not be at the top or part way down the bank.
- ii) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50-year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- iii) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- iv) Where OSD storage is by way of underground storage,
  - A) Inflow pipes to the storage chamber are to be located below inspection grates.
  - B) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.

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- v) Trees to be retained are to be drawn to scale.
- vi) Drainage design details are to be compatible with the landscaping plans.
- vii) Councils landscape officer is to consider the final location of all drainage infrastructures including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the approval of Council's landscape officer, can the Construction Certificate be issued.
- viii) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

72. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be

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impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front facade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

73. A guardrail barrier is to be provided where the drop from the edge of the driveway is greater than 200mm or where the grade from the edge of the driveway exceeds 25%. Details are to be provided and approved by Council prior to release of the Construction Certificate.
74. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface

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drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.

75. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

76. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
77. For this project a 5.5m wide crossing is to be provided. To comply with Australian Standard 2890.1 – 1993 “Off-street car parking”, the access driveway is to be constructed to provide a minimum clear width of 5.5 meters for the first 6 meters from the frontage roadway. The wide section is to be transitioned down over 3.0m back to the existing width of the accessway.

The work will include the addition of “deep-lift” section connecting the new dish crossing with the existing edge of seal. This deep lift section is to be splayed out at 45 degrees from both sides of the new crossing.

The purpose of the wide crossing is to allow an area for two vehicles to pass each other on the crossing. It is note that sight distance down the accessway is difficult from the crossing location, due to the vertical curvature of the accessway.

**DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained



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from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

78. Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of the proposed driveway from the centreline of the street to the proposed garage/carport, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with AS 2890.1-1993. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application to Council's Technical Services Department.

Construction Certificate Plans to demonstrate that driveway and accessway gradients will be such that they permit the B99 Vehicle to enter and exit all car spaces on the site without scraping. The clearances for this vehicle are defined in AS 2890.1.

79. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
80. The applicant is to addressing the following matters :-
- 1) A practicing geotechnical engineer is to certify the structural adequacy of the proposed driveway and associated structural elements, is structurally adequate for design vehicles up to a fully laden concrete truck for the operational life of the project. This Certification is to be provided with the application for the Construction Certificate.
  - 2) If this certification is not able to be provided, then the accessway is to be reconstructed to a satisfactory standard. In such a case the geotechnical engineer is to detail the required works on the Construction Certificate plans. The plans are to be considered and, if satisfactory, approved by the PCA prior to issue of the Construction Certificate.

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81. In order to comply with the requirements of the New South Wales Rural Fire Services requirements for the development, details are to be provided to indicate the satisfactory provision of a fire hydrant service, in accordance with the requirements of AS 2419.1.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

82. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
83. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
84. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
85. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) before any other work on the site commences.
86. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.
- | Tree/Location   | Radius in Metres |
|---|------------------|
| 1 <i>Hymenosporum flavum</i> (Native Frangipani)<br>Adjacent to the western boundary of Lot 1 | 2.0 metres       |
87. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the existing dwelling and route of stormwater line shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained

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intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
1 <i>Angophora costata</i> (Sydney Red Gum) T11 At the top of the watercourse embankment	3.0 metres
2 <i>Syncarpia glomulifera</i> (Turpentine) T25 Close to the Lot's southwestern corner	5.0 metres

88. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
89. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

90. The construction of all engineering works, not limited to but including the :- (a) OSD systems (b) Accessway and manoeuvring areas, (c) Wide crossing, (d) Mirror on accessway, and (d) Headwalls and pits at the watercourse, prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.
91. The designing engineer is to certify the structural adequacy of the built works design, and that the proposed shared driveway and associated retaining wall and other works are structurally adequate as constructed for vehicles up to a fully laden concrete truck.
92. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
  - a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

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93. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- Invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

94. Provision of permanent signage at the limit of the ARI 100 year event denoting :-  
1) The area beyond this sign is subject to the rapid rise of flood waters.
95. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
96. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

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97. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for "upkeep and maintenance" of system.

98. Creation of a legal instrument giving reciprocal rights of way over the shared elements of the design, to allow vehicles to (a) pass, (b) manoeuvre, and (c) enter and exit the site in a forward direction.

The legal instrument is to be created prior to occupation or the issue of an Occupation Certificate or Subdivision Certificate.

99. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
100. Creation of a Restriction-on-Use on the title of the land fronting the floodway, prior to occupation or the issue of an Occupation Certificate or Subdivision Certificate. The Restriction-on-Use on the title is to apply to that land in the 100 Year ARI flood zone.
101. Creation of a Restriction-on-Use on the title of all of the land fronting Kuringai Creek prior to occupation or the issue of an Occupation Certificate or Subdivision Certificate. The Restriction-on-Use on the title is to apply to that land in the 100 Year ARI flood zone.

The terms of the legal instrument are to be such that no structures, (walls, fences, fill or other works), are to be placed in that area which may impede the 100 year ARI flood.

102. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

103. The shared driveway in the access handle is to be reinstated to the satisfaction of the Principal Certifying Authority and the owners of 4 Howard Street, who share the reciprocal right of way over the driveway. Written evidence is to be provided to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of the Final Compliance Certificate.

BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

104. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
  - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
105. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on

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9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

106. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

107. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

108. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
  - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
  - ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

109. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving

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physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

110. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

C Swanepoel  
**Acting Team Leader**  
**Roseville Ward**

M Miocic  
**Director**  
**Environment & Regulatory Services**



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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b><i>Report title:</i></b>	37 WOODBURY ROAD, ST IVES - SUBDIVISION OF ALLOTMENT TO CREATE TWO ALLOTMENTS
<b><i>Ward:</i></b>	St Ives
<b><i>Development Application N°:</i></b>	DA102/03
<b><i>Subject Land:</i></b>	37 Woodbury Road, St Ives
<b><i>Applicant:</i></b>	Gary Lee
<b><i>Owner:</i></b>	Ozwag Pty Ltd
<b><i>Designer:</i></b>	Harry Sidaway & Associates Pty Ltd
<b><i>Present Use:</i></b>	Single residential dwelling
<b><i>Zoning:</i></b>	Residential 2 'C'
<b><i>Heritage:</i></b>	No
<b><i>Permissible Under:</i></b>	Ku-ring-gai Planning Scheme Ordinance
<b><i>Council's Policies Applicable:</i></b>	Subdivision Code
<b><i>Compliance with Codes/Policies:</i></b>	Yes
<b><i>Government Policies Applicable:</i></b>	No
<b><i>Compliance with Government Policies:</i></b>	No
<b><i>Date Lodged:</i></b>	4 February 2003
<b><i>40 Day Period Expired:</i></b>	16 March 2003
<b><i>Proposal:</i></b>	Subdivision of allotment to create two allotments
<b><i>RECOMMENDATION:</i></b>	Approval - subject to conditions

**DEVELOPMENT APPLICATION No:** 102/03  
**PREMISES:** 37 Woodbury Road, St Ives  
**PROPOSAL:** Subdivision of allotment to create two allotments  
**APPLICANT:** Gary Lee  
**OWNER:** Ozweg Pty Ltd  
**DESIGNER:** Harry Sidaway & Associates Pty Ltd

## PURPOSE FOR REPORT

Determination of a Development Application for the subdivision to create two allotments.

## EXECUTIVE SUMMARY

- Application for the demolition of existing dwelling and subdivision to create two allotments.
- 3 objections received
- Proposal satisfies requirements of Clause 58B of the Ku-ring-gai Planning Scheme Ordinance
- Issue relating to road width
- Recommendation for approval, subject to conditions

## THE SITE

Zoning:	Residential 2 'C'
Visual Character:	1945-1968
Lot Number:	1
DP Number:	617449
Area:	2871m <sup>2</sup>
Side of Street:	Northern
Cross Fall:	Nth east to south west
Stormwater Drainage:	Via drainage easement
Heritage Affected:	No
Required Setback:	N/A
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

## SITE DESCRIPTION

The site is located on the northern side of Woodbury Road and southern side of Maunder Avenue. It is irregular in shape, has an area of 2871m<sup>2</sup> with a frontage to Woodbury Road of 28.815 metres and a frontage to Maunder Avenue of 20.76 metres. The eastern boundary has a length of 97.785

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metres whilst the western boundary is 93.74 metres.

A single storey dwelling and detached fibro garage exist on the site. The dwelling has not been identified as a contributory item or potential heritage item in the Ku-ring-gai Heritage and Neighbourhood Character Study nor is the dwelling located in a potential conservation area.

## THE PROPOSAL

The proposal entails the demolition of the existing structures and subdivision of the existing allotment to create two allotments with the following indices:

Lot 1:      Area = 1360m<sup>2</sup>  
              Frontage to Woodbury Road of 28.815 metres  
              Length = 46.87 metres

Lot 2:      Area = 1510m<sup>2</sup>  
              Frontage to Maunder Avenue = 20.765 metres  
              Length = 46.87 metres

## CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

The following comments have been received:

Bob Hale – 31 Woodbury Road, St Ives  
Mr & Mrs Chen – 17 Maunder Avenue, St Ives  
Mr & Mrs Shearman – 19 Maunder Avenue, St Ives

### *Stormwater*

Council's Development Control Engineer has recommended conditions requiring the creation of a drainage easement to enable both of the proposed allotments to connect to the drainage easement located on the western adjoining properties. This will enable any collected stormwater for future development to be directed to the drainage easement and therefore reduce the impact on adjoining properties.

Additionally, any future development on the proposed allotments will be required to provide on site detention in accordance with Council's Stormwater Management Policy.

### *Access to new allotment should be via Woodbury Road due to width of Maunder Avenue*

As the site adjoins Maunder Avenue as well as Woodbury Road, it is reasonable for the applicant to

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seek consent for subdivision that utilises the secondary road frontage.

The width of Maunder Avenue at its eastern extreme is very narrow being a maximum of 4.0metres where the subject site adjoins it. The road reserve narrows where it adjoins No 19 Maunder Avenue and therefore, No's 19, 21 and the subject site are impacted by this narrow width of the road.

Development Control Plan 18 for 324-346 Mona Vale Road, St Ives, known as the Hillcrest Development, sought dedication of land to increase the width of Maunder Avenue by the developers of the adjoining site. The DCP includes the following clauses within Access and Parking:

- 23.9 *Rear access shall be provided to the properties Nos 35 to 37 (inclusive) Woodbury Road as an extension of Maunder Avenue.*
- 23.10 *Cul-de-sacs are to be constructed at the end of Maunder Avenue and Delaware Avenue to the satisfaction of Council's Chief Engineer.*
- 23.14 *The provision of pedestrian access through the site to Mona Vale Road, Ayres Road, Maunder Avenue and Delaware Avenue.*

Council's records indicate that consent granted for the existing development on the adjoining site did not require compliance with such clauses nor did the application seek consent for such works its revised form.

A development application was lodged for the development of the site known as Hillcrest on 27 March 1996 for a medium density development. After a significant number of objections, Council sought agreement from the applicant for mediation to resolve a number of the issues. Subsequently, a revised application was submitted for consideration. The original application included the provision of hammerheads at the end of Maunder and Delaware Avenue as per the DCP. It was a resolution of the mediation that saw the removal of this component from the proposal.

The assessment report includes the following statement:

*As no further extension of both Maunder Avenue and Delaware Avenue is proposed the construction of turning areas at the end of each of these streets would ordinarily be desirable. However in the mediation residents indicated a desire for the status quo to remain. As a consequence retention of the existing dead end configuration is accepted.*

The hammerhead configuration indicated in the original plans would have resulted in access to 19, 21 and 37 Woodbury being restricted. In addition, the plans indicated that dwellings were located on 19 & 21 Maunder Avenue at the time of the development application submission. The application was submitted in March 1996 and approved by Council on 8 October 1996.

Council granted consent to the construction of a new dwelling on 21 Maunder Avenue in 1983, prior to the lodgement and approval for the Hillcrest development with the width of the road being

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as it currently exists.

Given the history of Maunder Avenue and the developments approved by Council, which did not require the dedication of land to Maunder Avenue, it is unreasonable to refuse the proposed development on these grounds.

***Construction related traffic – impact on Maunder Avenue and access to dwellings in Maunder Avenue to not be restricted by construction traffic.***

A condition of consent is included in the recommendation requiring any damage to the infrastructure within the road reserve to be repaired prior to the release of the Subdivision Certificate.

Construction vehicles will be required to obey general road rules, including parking, to ensure access to properties is not restricted.

***Maunder Avenue should be re-constructed and widened to ensure two way traffic***

Council's engineers have recommended conditions requiring the construction of a sealed accessway from the existing edge of the sealed portion of the road to the new development. Given the history of development within the immediate vicinity of the subject site, it is unreasonable to require the applicant of this development to pay for and complete works within other parts of Maunder Avenue when previous consents have been granted for development not requiring such works or costs. The applicant has, however, indicated a willingness to contribute to the costs of such works.

Given the boundaries of 19 & 21 Maunder Avenue and the Hillcrest development, it would not be viable to widen Maunder Avenue to permit two way traffic without re-zoning residential land for road widening.

***The area adjoining 19 & 21 Maunder Avenue is only a driveway and has been treated as such by Council who advised residents that maintenance was the responsibility of the owners.***

The land that adjoins 19 & 21 Maunder Avenue and the rear of 37 Woodbury is a dedicated road reserve. There are driveway crossings that provide access to both 19 & 21 Maunder Avenue within the road reserve.

***The property adjoins a small area of Maunder Avenue. The extension of Maunder Avenue was never completed and the developer of Hillcrest decided not to dedicate an additional area of land in order to make this a road.***

This issue has been addressed above.

***Garbage collection***

Council's Manager of Waste Management Services has raised concern over the collection of waste

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from Maunder Avenue. On advice of this concern the applicant submitted documentation and photographic evidence indicating the general locations of bins within the road reserve for collection from the surrounding properties. This evidence indicates that the road pavement adjoining 21 Maunder Avenue is 4.0 metres wide. This width of the road, where it adjoins the subject site, is also 4.0 metres. It is therefore evident that, whilst the subject site is constrained by the width of the road pavement, the adjoining property is similarly constrained, however, waste services are able to be provided.

Further discussions with Council's Waste Management Manager revealed the following:

The concern raised in regards to the garbage collection is due to the limitations of the garbage trucks and the 'blind spots' which, in the case that reversing of the trucks is required for a extended distance, may cause safety issues. Council's Manager of Waste Management Services has advised that, whilst some reversing is carried out to pick up waste from the adjoining properties, extending this reversing distance is where the concern lies. He has suggested that the garbage bins should be located within the vicinity of the bins currently collected to ensure collection occurs.

Given the amount of open space on the northern side of Maunder Avenue, it is reasonable that the bins from the proposal may be placed adjacent to this area and therefore opposite the general location of the bins from 21 Maunder Avenue.

***Lighting in Maunder Avenue – new lights should be provided***

This is not relevant to the current development application.

**CONSULTATION - WITHIN COUNCIL:**

**Council's Development Control Engineer**

*The development is for a subdivision of the subject land into two lots*

***Matters to be resolved before conditions are used.***

*The following matters must be resolved before the following conditions are applied.*

- (a) The Planner to determine how the garbage pickup in Maunder street will work.*
- (b) The Planner to investigate if the development across the road in Maunder Street will be dedicating land for road widening in the future. If so the application should be re-assessed by the development engineer, with this information to hand.*

*The land drains to an existing easement that runs from the western side of the allotment. A short interallotment drainage line is to be built across lot 2 to favour lot1.*

*The increase in traffic resulting from the development will be satisfactorily handled by the existing public road.*

*The development will place additional pressure on the existing frontage in Maunder Street, which*

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*needs to be upgraded to bring it up to current acceptable standards for this development.*

*The applicant has not provided engineering plans for drainage.*

*There are no engineering objections to the proposal.*

*The engineering works to be constructed in relation to this development are :-*

- 1) Interlot Drainage line to the existing easement, from both lots.*
- 2) In Maunder Street, the construction of a sealed accessway from the existing edge of seal, to the new development. This will involve construction of a sealed accessway in front of the land to the east.*

*On the north side of the new road, the edge of the pavement will be defined by a concrete edge beam, finished flush with the pavement surface. The edge beam is to have dimensions 300 deep and 200mm wide.*

*On the south side of the road the kerb and gutter is to be extended from the point where it now finishes to the subject lot. The accessway / driveway to the neighbouring existing house, to the west, is to be connected to the new accessway.*

*The road pavement is to conform to the greater of either (1) the design detailed on KMC Drawing 88-089, or (2) the existing pavement in Maunder Street.*

*The carriageway in Maunder Street is to conform to the following:-*

- A At the end of the existing seal in Maunder street, the new width of carriageway, is to match the existing carriageway width.*
- B From the point where the existing seal finishes, the new accesway is to transition down, progressively, until the development site is reached. At the development site the accessway is to be a minimum width of 4.0m wide, from face of new kerb to the edge of new seal, on the north side.*

Comments relating to the construction of a sealed accessway within Maunder Avenue are provided above. Given the history of the development within the immediate vicinity of the subject site, it is unreasonable to require the applicant to carry out the sealing of Maunder Avenue where the road reserve adjoins adjoining properties. The recommendation does not include conditions as recommended by Council's Acting Development Control Engineer.

Council's Team Leader of Development Engineers provided the following comments:

*In respect to the subdivision at the above address, I note that Bruce Wilson, acting Development Engineer, imposed a condition of consent requiring the Applicant to fully seal the surface of Maunder Ave (public road) from the existing sealed section right through to the subject site (proposed lot 2). These works might be justified by correlating an increase in traffic along Maunder Rd with the subject Application to subdivide one into two lots*

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*However, upon discussions with yourself and in light of the history of development in this location (particularly with respect to those traffic generating developments previously approved requiring vehicular access along Maunder Ave), it is apparent that those Council approved developments were not required, by way of condition of consent, to carry out such road sealing works in Maunder Ave. It is therefore considered onerous to require this particular Application to be responsible to undertake the full road sealing of Maunder Ave, to the benefit of every lot accessed from Maunder Avenue.*

*Notwithstanding the above, it is felt appropriate to require the Applicant to seal the wedge shaped section of Maunder Ave bounded by the proposed lot 2 and a straight extension across the road reserve of the boundary alignment between proposed lot 2 and adjacent lot 3 of DP 617449. There is a clear link between completing this (partial) road sealing work and the expected increase in vehicular use of this section of Maunder Ave, as a result of approving the proposed lot 2.*

*Conditions will be revised as appropriate.*

Conditions as recommended by the Team Leader of Development Engineers have been included in the recommendation of this report.

**Council's Landscape Development Officer**

*An inspection of the property was conducted on **Error! No document variable supplied..***

*Site*

*The site is mostly level, sloping slightly from the east to west at a grade of 1:30. There is a driveway turning circle in the front setback with a 10metre high Cedrus atlantica (Atlas Cedar) at its centre. The rear yard is lawn. The proposed access to Lot 1 is from Maunders Avenue and to Lot 2 from Woodbury Road. The existing surface of the last 30 metres of Maunders Avenue is gravel.*

*Issues*

*Retention and protection by way of construction setbacks of mature remnant vegetation which are located on site and on adjacent properties. These trees are both visually and ecologically significant. A Tree Report by Pittendrigh Shinkfield Bruce dated 29 January 2003, submitted as part of DA 103/03, identifies all the affected trees.*

Conditions recommended by Council's Landscape Officer have been included within the recommendation.

**PROVISIONS OF RELEVANT LEGISLATION**

**The Environmental Planning & Assessment Amendment Act 1979**  
**Section 79C**



**State Environmental Planning Policy No 55**

SEPP 55 aims to set an approach for the remediation of contaminated land. Clause 7 of the SEPP requires Council to consider whether the land is likely to be contaminated prior to the determination of development consent.

The site is currently used for residential purposes and, as such, the proposed development seeks consent for a residential development under the provisions of the KPSO. There are no records that indicate the site is contaminated.

**Ku-ring-gai Planning Scheme Ordinance**

Subdivision within the Residential 2 C zone is permissible under Clause 23 of the KPSO.

Clause 58A of the KPSO requires that a person shall not subdivide land to which the Ordinance applies except with the consent of Council.

Clause 58B sets out the 'Subdivision requirements for dwelling-house lots' and provides the following minimum requirements for Residential 2 C subdivisions:

	<b>Proposal</b>	<b>KPSO</b>	<b>Complies</b>
<b>Lot 1</b>			
Area	1360 m <sup>2</sup>	929 m <sup>2</sup>	Yes
Width at 12.2 metres	28.815.5 metres (approx)	18 metres	Yes

<b>Lot 2</b>			
Area	1510 m <sup>2</sup>	929 m <sup>2</sup>	Yes
Width at 12.2 metres	31 metres (approx)	18 metres	Yes

Schedule 9 of the KPSO sets out the aims and objectives for residential zones. The following aims and objectives are considered applicable to the subject development:

- to maintain and, where appropriate, improve the existing amenity and environmental character of residential zones; and
- to permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.
- any building or development work shall maintain or encourage replacement of tree-cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced;

The application seeks consent for the subdivision of the existing allotment into two irregular shaped allotments that exceed the minimum requirement set out in Clause 58B of the KPSO. Additionally the proposed subdivision is characteristic of the subdivision pattern within the immediate

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surrounding area (see location sketch). The development will maintain the character of the area and, given the size of the allotments will permit residential development that is characteristic with the surrounding development. Appropriate conditions have been recommended to ensure significant trees on and surrounding the site are maintained and protected.

### **Subdivision Code**

Council's Subdivision Code (under review) sets out minimum areas and widths for subdivisions. The following table indicates that the proposed subdivision will meet the numerical requirements of the subdivision code.

	<b>Proposal</b>	<b>Subdivision Code</b>	<b>Complies</b>
<b>Lot 1</b>			
Area	1360m <sup>2</sup>	929 m <sup>2</sup>	Yes
Frontage	28.815 metres	6.1 metres	Yes
Width at 12.2 metres	28.815 metres (approx)	18.29 metres	Yes
<b>Lot 2</b>			
Area	1510 m <sup>2</sup>	929 m <sup>2</sup>	Yes
Frontage	20.765 metres	6.1 metres	Yes
Width at 12.2 metres	31 metres (approx)	18.29 metres	Yes

### **Development Control Plan 38**

As the intent of the proposal is to subdivide the allotment for residential dwellings Council's Development Control Plan (DCP) 38 is relevant as a consideration.

The DCP sets out aims and objectives for residential development including minimum setbacks from property boundaries. The size and width of the proposed allotments is generally larger than the surrounding allotments and, as such, the proposal is sufficient in size to support development consistent in size to that of the surrounding development and will achieve the aims and objectives of the DCP.

## **2. Likely Impacts**

Any approval of a subdivision on this property will in all likelihood lead to a future residential development on the resultant allotments.

The existing developed character of the area is that of medium to large dwellings situated on large allotments thus providing for ample curtilages for the development of landscaping and large canopy trees. Allotments within a 400m radius of the subject property are a mixture of sizes. However, a large number of these allotments exceed the minimum requirement of the KPSO. The Hillcrest development to the north of the site supports a number of undersized

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allotments ranging from 255m<sup>2</sup> to 856.5m<sup>2</sup>.

As the surrounding pattern of allotments generally exceeds the minimum requirement of residential subdivision, except for the Hillcrest development, this proposal is suitable in regards to maintaining the character of the locality.

The proposal is unlikely to result in adverse impacts to significant vegetation and appropriate conditions have been recommended to ensure protection of 10 trees.

### **3. Suitability of The Site**

The site is constrained by the width of Maunder Avenue where it adjoins the subject site. However, both 19 & 21 Maunder Avenue are also constrained by this narrow width of the road. As both vehicle and pedestrian access is available to the site and given the nature of the surrounding development, the site is suitable for the proposed development.

The site is of a sufficient size and shape to accommodate the proposed subdivision. It is not subject to hazards such as bushfire, flooding, land slope or contamination and all necessary urban services are available.

### **4. Any Submissions**

There were a total of 3 submissions received in response to the proposed development, which have been addressed.

### **5. Public Interest**

The proposal is in the public interest.

### **Any other Relevant Matters Considerations Not Already Addressed**

Section 94 contributions are applicable for the proposed development.

### **CONCLUSION**

The proposed development seeks to subdivide one allotment into two allotments and demolish the existing structures within the site boundaries. The property is suitable for the proposed development, which will maintain the character of the locality and result in minimal impact to the surrounding environment.

The proposal meets the requirements and objectives of the Ku-ring-gai Planning Scheme Ordinance.

### **RECOMMENDATION**

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That Development Application 102/03 for the demolition of existing structures and the subdivision of the existing allotment to create two allotments at Lot 1, DP 617449, being 37 Woodbury Road, St Ives be approved for two years, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
2. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
3. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
4. Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
5. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
7. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
8. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
9. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
10. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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11. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
12. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
13. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
14. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
  - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.

Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

15. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
16. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
17. Demolition traffic shall be restricted to access the site from Woodbury Road only, except for demolition workers personal vehicles, which may access the site via Maunder Avenue and park on the rear of the property.
18. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
19. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
20. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.

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21. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
22. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
23. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
24. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
25. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
26. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
27. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
28. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
29. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
30. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.

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31. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
32. The creation of a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the area of land beneath the canopy of the following tree/s for a specified radius in metres from the trunk of that tree, the terms of which state that any excavations, soil level changes or construction works are prohibited with the exception of any driveway as approved by Council:

All tree numbers as identified in Tree Report by Pittendrigh Shinkfield Bruce dated 29 January 2003 submitted as part of DA 103/03.

Tree no	Tree	Location	Radius (m)
1	Eucalyptus saligna	north boundary, neighbours side	8
3	Eucalyptus saligna	north boundary, neighbours side	7
4	Eucalyptus saligna	north boundary, neighbours side	8
5	Syncarpia glomulifera	north boundary, neighbours side	4
6	Eucalyptus saligna	north boundary, neighbours side	8
7	Eucalyptus saligna	east boundary, neighbours side	5
9	Eucalyptus saligna	east boundary, neighbours side	8
19	Eucalyptus resinifera	south-east corner of site	8
20	Angophora costata	south boundary	8
25	Eucalyptus paniculata	south boundary	8

### PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

33. The Applicant must carry out the following infrastructure works in Maunder Ave:
- Prepare subgrade, place 150mm (min.) DGS 40 sub-base, place 100mm (min.) DGB20 F.C.R basecourse and seal road with 50mm (min.) Asphaltic Concrete AC14 over the end triangular section of Maunder Ave, fronting proposed lot 2. The section of Maunder Ave to be formed as above shall be a 'wedge' shape formed by boundaries along the full Maunder Ave frontage of proposed lot 2 (only), and a straight extension of the common boundary alignment between proposed lot 2 and the adjacent lot 3 of DP 617449.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF *THE ROADS ACT 1993* for the works in the Public Road, required by this condition. The Construction Certificate MUST NOT be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction

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Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council "Roads Act" approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings are to detail erosion control requirements during the course of works.

NOTE 1: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

34. Prior to the issue of a Construction Certificate the Applicant shall lodge a \$8,000.00 bond with Council. This bond will cover the completion of any incomplete road works required under this consent. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
35. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that the existing pipes within the interallotment drainage easement system to be utilised over downstream property, which are not proposed to be reconstructed, are in satisfactory condition and have hydraulic capacity to carry future uncontrolled design flowrates including detention system overflows (where detention systems are to be provided) from the proposed lots, as far as the approved point of discharge to a recognised public drainage system. Alternatively, where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows as a result of the subdivision, the Applicant shall submit for approval by the Principal Certifying Authority (PCA), prior to issue of the Construction Certificate, full design documentation for an upgraded interallotment drainage system from the approved lot to the approved point of discharge to the recognised public drainage system. Plans are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with the requirements of Council's Stormwater Management Manual and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:
  - a) Plan view of system to scale showing dimensions, location and reduced levels of all pits, pipes, flushing facilities and exact point of discharge to Council system,
  - b) Supporting sizing and contributing catchment calculations
  - c) Longitudinal section showing existing ground levels and proposed invert levels,
  - d) Surrounding survey detail including all trees within seven (7) metres of the proposed drainage



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system.,

- e) Means to preserve the root systems of trees within seven (7) metres of the drainage system.

36. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), full design documentation for the required interallotment drainage between the proposed new lots and the existing easement benefitting the mother lot. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with the requirements of Council's Stormwater Management Manual and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:
- a) Plan view of system to scale showing dimensions, location and reduced levels of all pits, pipes, flushing facilities and exact point of discharge,
  - b) Supporting sizing and contributing catchment calculations
  - c) Longitudinal section showing existing ground levels and proposed invert levels,
  - d) Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.,
  - e) Means to preserve the root systems of trees within seven (7) metres of the drainage system.

**PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE**

37. To obtain the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

Note: The following details must be submitted with the Plan of Subdivision:

- a) The 88B Instrument plus 5 copies.
- b) The Engineer's Certification of the on-site Stormwater detention facility. This must be on the standard Council On-Site Detention certification sheet, available from Councils customer services.
- c) Any Surveyors or Engineers Certification required by other conditions in this consent.
- d) The Section 73 Compliance Certificate.

Note: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate.

38. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.
39. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with

the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval prior to the release of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.

40. Completion of the road works in Maunder Ave in accordance with the Council approved drawings must be undertaken, Prior to release of the linen plan/issue of the subdivision certificate. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer Prior to release of the linen plan/issue of the subdivision certificate.
41. The construction of the necessary interallotment drainage works prior to issue of an Subdivision Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and/or with Council's Stormwater Management Manual. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that all drainage structures are wholly contained within the drainage easement(s).
42. Prior to the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
43. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority whose consent is required to release, vary or modify such instruments.
44. Creation of suitable drainage easements with minimum widths in accordance with Council's Stormwater Management Manual over all of the inter-allotment and Council drainage systems.
45. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted prior to the release of a Subdivision Certificate. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.
46. The allotments shall support a minimum number of trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988 as below. The existing trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council and approved by Council's Landscape Development Officer. Tree planting shall be completed prior to release of the Certificate of Subdivision.

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47. The tree/s to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Lot 1        7 trees  
Lot 2        5 trees

R Josey  
**Development Control  
Officer**

G Bolton  
**Team Leader, St Ives  
Ward**

M Miocic  
**Director  
Environment &  
Regulatory Services**

**Attachments:**      **Location Sketch**  
                         **Survey**  
                         **Plan of proposed subdivision**

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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b><i>Report title:</i></b>	102 WELLINGTON ROAD, EAST LINDFIELD - SUBDIVISION OF TWO LOTS INTO THREE AND CONSTRUCTION OF THREE DETACHED RESIDENTIAL DWELLINGS
<b><i>Ward:</i></b>	Roseville
<b><i>Development Application N<sup>o</sup>:</i></b>	617/03
<b><i>Subject Land:</i></b>	102 Wellington Road, East Lindfield
<b><i>Applicant:</i></b>	Icegem Pty Ltd
<b><i>Owner:</i></b>	Icegem Pty Ltd and Sunny Reflections Pty Ltd
<b><i>Designer:</i></b>	Huxley Homes
<b><i>Present Use:</i></b>	Recreation Club
<b><i>Zoning:</i></b>	Residential 2(a) - Lot 834 & Recreation Existing 6A - Lot 836
<b><i>Heritage:</i></b>	No
<b><i>Permissible Under:</i></b>	Ku-ring-gai Planning Scheme Ordinance
<b><i>Council's Policies Applicable:</i></b>	Subdivision Code, Development Control Plan No 38 - The KMC Residential Design Manual
<b><i>Compliance with Codes/Policies:</i></b>	Substantial compliance
<b><i>Government Policies Applicable:</i></b>	SEPP 1, SEPP 19, SEPP 55, SREP 23
<b><i>Compliance with Government Policies:</i></b>	Yes
<b><i>Date Lodged:</i></b>	20 May 2003
<b><i>40 Day Period Expired:</i></b>	29 June 2003
<b><i>Proposal:</i></b>	Subdivision of two lots into three and construction of three detached residential dwellings
<b><i>RECOMMENDATION:</i></b>	Approval

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**DEVELOPMENT APPLICATION NO:** 617/03  
**PREMISES:** 102 Wellington Road, East Lindfield  
**PROPOSAL:** Subdivision of two lots into three and construction of three detached residential dwellings  
**APPLICANT:** Icegem Pty Ltd  
**OWNER:** Icegem Pty Ltd and Sunny Reflections Pty Ltd  
**DESIGNER:** Huxley Homes

## PURPOSE FOR REPORT

To determine an application seeking to subdivide two existing lots into three and construct three detached residential dwellings.

## EXECUTIVE SUMMARY

- Development consent is sought for subdivision of two lots into three
- A single residential dwelling is proposed for each new allotment
- Objections have been received from three (3) adjoining and nearby property owners
- Elements of the proposal do not comply with minimum allotment sizes and allotment widths. A SEPP 1 Objection has been provided for the consideration of a variation to the development standards
- Site is subject to bushfire hazard and, being a proposed subdivision of bushfire prone land, is Integrated Development
- Rural Fire Service and applicant's bushfire consultant, agree that reliance on higher construction standards and the provision of suitable asset protection zones are sufficient to provide property and personal safety in this instance
- Section 79BA and Section 79C of the Environmental Planning & Assessment Act 1979 has been considered, and approval is recommended with conditions

## HISTORY

Since the area was developed in the late 1950s, this site along with adjoining (leased) Crown Land has been used for a bowling club. Due to declining patron numbers, the club ceased operation, vacated the site in May 2001 and the land was subsequently sold.

In January 2002, a SEPP 5 (10 units) application was lodged to which deferred commencement consent was granted in October 2002. Schedule A of the determination notice required concurrence from NSW Rural Fire Services to a reduction of the Asset Protection Zone, which the applicant has not been able to obtain to date. (A Section 96(1A) approval for an extension of time, to avoid lapsing of the consent, was granted on 3 September 2003).

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## THE SITE

Zoning:	Residential 2(a) - Lot 834 & Recreation Existing 6A - Lot 836
Visual Character Study Category:	1945-1968
Lot Number:	834 & 836
DP Number:	240858
Area:	3111m <sup>2</sup> (Lot 834) & 251.7 m <sup>2</sup> (Lot 836)
Side of Street:	Northern
Cross Fall:	West to East
Stormwater Drainage:	OSD then to bushland
Heritage Affected:	No
Required Setback:	9 metres
Integrated Development:	Yes
Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	Yes
Contaminated Land:	Yes
Section 94 Contribution:	Yes

## SITE DESCRIPTION

The site is located on the northern side of Wellington Road, East Lindfield and is the former site of the Lindfield Women's Bowling Club. The site that originally comprised the club grounds encompassed the subject allotments, being Lots 834 & 836 in DP 240858, together with Lots 835 and 799, which are not incorporated within the application under consideration.

The site is a battle-axe configuration, with an access handle to Wellington Road of 17.8m in width. The site is rectangular in shape and adjoins Garigal National Park to its northern boundary. The lengths of the rectangular portion of the site are 66.44m (along its western boundary) and 62.96m (along its eastern boundary). The southern boundary adjoins the existing residential allotments at 98 & 100 Wellington Road.

The existing allotments are 3111m<sup>2</sup> (Lot 834) and 251.7m<sup>2</sup> (Lot 836) in area. The combined site area is 3362.7m<sup>2</sup>.

The local topography consists of a plateau where the bowling greens exist, with a gradual fall to the northern boundary facing Garigal Avenue. Generally, the site comprises a gently graded "building zone" (RL 66-67) which extends toward the rear boundary where the levels fall to approximately RL 64 at the boundary interface with the bushland.

A Phase II Environmental Site Assessment undertaken by Environmental Resources Management Australia (ERM) in November 2003, found that the site, is considered suitable for the proposed residential land use with garden accessible soil. Additionally, the assessment found that the demolition of the exiting clubhouse building will present concerns regarding asbestos and other

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harmful building products, which will require a management plan to be prepared and instituted as a condition of any consent for the use of the site for residential purposes.

Given the cleared nature of the site for the past use, there is no significant tree cover and only sparse shrub cover.

Current improvements on the site consist of a part 1 - part 2 storey, brick and fibro, club house building, bowling green and bitumen car park.

## THE PROPOSAL

Is a new front fence part of the proposed development? No

Is a new swimming pool part of the proposed development? No

The proposal is to subdivide the two existing Lots 834 & 836 into three Torrens title allotments, demolish the existing buildings and construct a two storey, detached residential dwelling on each of the three new allotments.

The proposed allotments will be known as Lots 1, 2 & 3 and will comprise total areas of 661 m<sup>2</sup>, 1302m<sup>2</sup> and 1403m<sup>2</sup>, respectively.

Lot 1 (661m<sup>2</sup>) will be a rectangular shaped allotment, with a frontage of 17.8m to Wellington Road. The minimum allotment size and width for a Residential 2(a) parcel under KPSO Clause 58B (3) (a) (i) is 790m<sup>2</sup> with a width of not less than 18m at a distance of 12.2m from the street alignment. Lot 1 will not comply with the minimum allotment size and width and this will be further addressed in this report.

The minimum allotment size for battle-axe shaped allotments in a Residential 2(a) zoned parcel under KPSO Clause 58B (3)(a) (iii) is 1105 m<sup>2</sup>, exclusive of an access handle, with a minimum access handle width of 4.6m.

Proposed Lots 2 & 3 are both battle-axe shaped allotments of 1302 m<sup>2</sup> and 1403 m<sup>2</sup> inclusive of the access handle area, respectively. Their proposed sizes exclusive of the access handle are 1136 m<sup>2</sup> and 963 m<sup>2</sup>, respectively.

Lot 3 will not comply with the minimum lot size and this issue is addressed further within this report.

A two storey single occupancy dwelling is proposed to be erected on each new allotment. The siting and construction of the dwellings have been addressed by the applicant's bushfire consultant - Homes Fire & Safety, in conjunction with the Rural Fire Service. The recommendations of the bushfire consultant have been endorsed by the RFS and are further discussed in the *External Consultation* part of this report.

The proposed development indices for the site will be:

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	<u>Site Area</u>	<u>FSR</u>
Proposed Lot 1:	661 m <sup>2</sup>	0.267:1
Proposed Lot 2:	1302 m <sup>2</sup>	0.249:1
Proposed Lot 3:	1403 m <sup>2</sup>	0.231:1

The individual dwellings will comprise:

Lot 1 - 2 storey x 4 bedrooms, kitchen, family lounge/dining room with several ensuites and double garage. The dwelling will observe a 9.0m min setback to Wellington Road, which is consistent with the established setback of the neighbouring dwellings.

Lots 2 & 3 - 2 storey x 4 bedrooms, kitchen, lounge/dining room rumpus room, study entry foyer and several bathrooms and ensuite. The dwellings will observe the 40m setback to the northern bushland boundary mandated by the Rural Fire Service. Minimum 2m setbacks will be provided to the east and west boundaries, with the dwelling on Lot 3 being adjacent to the 4.6m. A detached triple garage will be provided to Lots 2 & 3 set back 7.5m from the northern boundary.

All of the dwellings are to be constructed of face brickwork with pitched tile roofing. The buildings are well-articulated, with ample glazing and outdoor recreation areas.

## CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

Submissions were received from the following persons. The issues raised and relevant comments are contained below.

C Ruberg - 98 Wellington Road, East Lindfield  
B & S Hartmann - 100 Wellington Road, East Lindfield  
S C Taylor - 1 Ulmarra Place, East Lindfield

### *High hazard bushfire impact & inadequate setbacks to the hazard area*

The central concern here is the potential for bushfire exposure given that the site is within 100m of a high bushfire hazard. As the proposal has been considered by the NSW Rural Fire Service and the applicant's bushfire consultant, who has prepared recommendations for the design and siting of the proposed dwellings (which have been endorsed by the NSW RFS), the development is acceptable in terms of the potential for exposure to bushfire. The minimum setbacks and construction requirements prepared by Holmes Fire & Safety, as endorsed by the RFS, have been observed in the design.

The proposal is Integrated Development which requires the concurrence of the Rural Fire Service, prior to determination by Council. The RFS has provided its concurrence through its General



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Terms of Agreement. Given the concurrence of the RFS, refusal of this application on the grounds of potential hazard from bushfire is not sustainable.

***Poor design in the location of the garages.***

The garage location is dictated by the need to provide a buffer zone for the dwellings from the bushland. The garages will be accessed from the right of carriageway to the eastern and northern boundaries which will also provide access for fire fighting vehicles. As garage buildings are non-residential (Class 10 under the Building Code of Australia), they are exempt from the bushfire considerations.

***Loss of quasi public open space and possible resumption of the land for public purposes***

The site has been used for public access in the past and the development of the area will preclude this public benefit. The portion of land to be developed is privately owned residential land. Access to and over the land is constrained as in any normal residential situation. The proposed cleared zone to the north of the property will still facilitate public access to the fringe of the National Park and the works will not further alienate any public land. Access to the park will still be available from Wellington Road.

The question of whether the parcels should be resumed for public benefit is a matter for Council's separate consideration and not a matter to be addressed as part of the merits assessment of this application.

***Weed intrusion to the National Park***

The neglect of the area following the closure of the bowling club has allowed the intrusion of weeds into the National Park fringe. This would be addressed through conditions of consent, recommended by Council's Landscape Development Section, requiring weed eradication measures and appropriate planting schedules for the site.

The National Parks and Wildlife Service is allowing the clearing of a 10m wide section of the National Park adjoining the northern boundary. This will be cleared and managed under the direction of the NPWS to ensure introduced weeds do not impact on the bush interface.

Stormwater disposal from the site was assessed by Council's Development Control Engineers. The use of Water Sensitive Urban Design limits the flows of urban stormwater towards the bushland. The design of the stormwater scheme will incorporate retention/re-use system and other bio-retention measures to further limit flows to the bushland and reduce the potential for the spread of weeds to the bushland.

**CONSULTATION - WITHIN COUNCIL**

**Development Control Engineer**

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*This DA involves subdivision into three lots and construction of individual dwellings on each lot.*

*The proposed lots are adjacent to Garigal National Park. The contours of the site direct surface waters towards the bushland.*

*A pre-DA meeting was held with the applicants' drainage engineers (STORM CONSULTING). At that meeting it was explained that Council is currently developing a Water DCP which focuses more attention on Water Sensitive Urban Design (WSUD) principles. It was explained for development adjacent to bushland, whereby urban stormwater runoff will flow toward the bush, that is the responsibility of the Applicant to demonstrate that the proposal will limit the amount of urban runoff to the bush. Suitable retention/reuse systems and other bio-retention measures can achieve this objective.*

*The applicant has hence submitted a detailed report by STORM consulting, addressing the objectives outlined above and in the pre-DA meeting (pertaining to satisfying section 5.6.3 of Council DCP No 38).*

*The applicant has proposed the installation of a 10m<sup>3</sup> stormwater retention tank for each of the proposed dwellings. These are to collect roof runoff and be plumbed for toilet flushing, hot water provision and for gardening purposes. A mains top up and first flush system of bio-retention filters and infiltration trenches, proposed to be planted with native vegetation. This has merit over traditional drainage cut-off systems) such as kerb and gutter) as some treatment of the water is provided, uptake is provided for plants and a concentrated discharge point does not result.*

*It is predicted that the combined tank/bio-retention system will overtop 4 times per year, compared to 5 in the absence of development on the site.*

*The retention and re-use proposal is to be commended and supported. The total volume of runoff from the site is substantially reduced. The water quality is improved. It is considered that in this situation, the stormwater retention system may be permitted as a substitute for the normal requirement for a stormwater detention system.*

*The application is supported subject to conditions to be included in the recommendation of this report.*

The comments of the Development Engineer are noted and the appropriate conditions have been included in the recommended consent.

**Landscape Development Officer**

*The proposed dwelling to Lot 1 is set back from the street further than its adjoining neighbour but the street boundary is actually much closer than it appears. When viewed from the street the setting for this house is typical of the neighbourhood.*

*The proposed houses in Lots 2 and 3 overlook the National Park. A Bushfire Hazard Assessment has been prepared by Holmes Fire and Safety and the houses are set back approximately 40 metres*

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*from the bushland boundary. This is the designated Inner Protection Area.*

*The 40 metre setback has created a major constraint on the site, forcing the houses to be two storey boxes in the southern portion of the site. The triple garages to the houses are located off the driveway, adjacent to the bushland and are therefore a long way from the houses. Unfortunately, extensive, dense screen planting is inappropriate in bushfire prone areas, although, isolated canopy trees and clumps of shrubs can be provided between the bushland and the houses. This is essential to provide any level of screening for the properties on the opposite hillside and would assist in reducing the visual impact of the proposed garages by provided taller elements behind the structures. An amended landscape plan now shows four indigenous canopy trees in this area and because screen planting is limited, the colours of the buildings (house and garage) and roofs must be recessive ie not cream, pink, pale blue, white or other bright, light colours.*

*No trees or vegetation of any significance require removal for the proposed dwellings, although the proposed bio retention trench in Lot 1 could sever the roots of the existing trees (Casuarinas) in the adjoining property to the east. The bio retention trench also appears to run along the top of the existing sandstone retaining wall which is located on the eastern side of the driveway. This has been discussed with the Engineers for the project who believe that the final design will not compromise the integrity of the wall or destroy the Casuarinas. A Eucalypt in poor condition, located within the road reserve is likely to have its root system severed for the new driveway. The tree is not in good condition and should be removed.*

***Landscape plan***

*As already noted an amended landscape plan has been submitted which addresses some of my previous concerns ie taller planting including trees are shown on the bushland side of the property, a path off the eastern side driveway is now shown to the house in Lot 3 and the paths from the garages to houses in Lots 2 and 3 are now located closer to boundaries resulting in more useable lawn areas. There are some garden areas which appear to have nothing planted in them, these areas should be planted out with ground covers.*

*The proposed planting to the southern sides of the houses has been amended but is still considered to be acceptable.*

*The application can be supported. I have not provided any conditions for the subdivision, but you may wish to apply a positive covenant requiring certain clearing and maintenance activities are undertaken within the 40 metre asset protection zone or Inner Protection Zone.*

The comments are noted and appropriate conditions have been included in the recommended consent.

**Bushland Technical Officer**

*The proposed development is generally sympathetic towards bushland. The Water Sensitive Design Report in particular outlines some quite good design features / ameliorative measures that would be expected to cause minimal impacts on bushland in terms of mimicking natural water regimes*

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*and preventing excess nutrient from entering bushland. Plants utilised in the proposed “biorention” system should not be noxious or invasive species such as Kikuyu grass and should preferably be appropriate local native species.*

*The proposed landscape plan is generally sensitive to the bushland nearby in species selection but does list a few species that would be considered unsuitable due to invasive potential or are unsuitable species for this area. It is recommended that the following species not be planted on:*

*Atriplex nummularia (Old Man Saltbush)  
Rhagodia nutans (Salt Bush)  
Rhagodia spinescens (Thorny Saltbush)  
Agapanthus spp. (Agapanthus)*

*It is also recommended that local native species planted be from provenance stock (locally sourced seeds etc).*

The comments are noted and appropriate conditions are included.

### **Heritage and Urban Design**

*Lots 2 & 3: Access to Lot 2 is very convoluted. I would suggest turning the subdivision 90°. This would improve outlook from No 100 and still allow each house to take advantage of northern aspect.*

*Each house should be an individual design with attached garage.*

*(Additional Comment) The concept is acceptable in principle but design could be improved.*

The comments of the Urban Design & Heritage Advisor in regard to the possible re-orientation of the proposed subdivision are noted. However, as previously discussed in this report, the APZ setbacks imposed by the NSW RFS have dictated the subdivision pattern as designed and, given the constraints of the bushfire protection measures, there is no scope to substantially alter the proposed siting and layout.

## **EXTERNAL CONSULTATION**

### **NSW Rural Fire Service - Head Office**

#### **Comment:**

The development is Integrated Development under the provisions of the Environmental Planning & Assessment Act 1979, by virtue of the proposal being a subdivision of bushfire prone land.

The application has been referred to the New South Wales Rural Fire Service –Head Office, Rosehill for their consideration. The RFS has provided their General Terms of Approval for both the proposed subdivision and the construction of the dwellings, which were received on 19 August

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2003. To minimise the potential for bushfire hazard to the site, the RFS recommended:

- *All buildings are to comply with Level 3 construction requirements in accordance with AS 3959-1999.*
- *Any future dwellings are to be referred to the NSW Rural Fire Service (RFS) for consideration under section 79BA of the Environmental Planning and Assessment Act 1979.*
- *The right of carriageway on the northern boundary is to be increased to six metre width to provide a four metre formed all weather carriageway plus a one metre table drain on each side of the carriageway.*
- *Written agreement from the National Parks and Wildlife Service to the provision of a 10 metre Outer Protection Area within the Garigal National Park and to be maintained at the cost of the owners of Lots 2 and 3.*
- *Where the rear of the proposed structure is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard 2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.*
- *Provision for fire trail access to link to the adjoining Bowling Club and rear of adjoining development to the west as well as the east of the proposed development.*
- *In approving the subdivision, the Rural Fire Service reserves the right to not accept the proposed building envelopes and designs.*
- *The Rural Fire Service also seeks as part of the approval the demolition of the existing building (former Bowling Club).*
- *This response is to be deemed the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997.*
- *Adoption of the recommendations on page 14 of the report by Holmes Fire and Safety dated 16 May 2003. (See Annexure 1)*

**Bushfire Hazard Consultant - Holmes Fire and Safety (applicant's consultant)**

The report provides recommendations for implementation in the design of the development which have been recognised by the RFS in their concurrence to the Integrated Development and their issue of General terms of Agreement as discussed above. The report concludes as follows:

*“Holmes Fire & safety have conducted a site inspection and assessment of a proposed subdivision of 102 Wellington Rd, East Lindfield. The assessment has been undertaken in accordance with Planning for Bushfire Protection and AS 3959-1999:- Construction of Buildings in Bushfire-Prone Areas.*

*Provided the recommendations stated above are implemented, Holmes Fire & Safety are of the opinion that taking into account the measures implemented above the requirements of the legislation, the proposed development satisfy the intent of the relevant legislation.”*

Council's Bushfire Prone Land map identifies this site as being subject to a “High” hazard rating.

There is no evacuation concern in this development as each dwelling will have access to a driveway leading to Wellington Road, with suitable access within the site for fire fighting vehicles to the

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northern boundary facing the National Park.

It is acknowledged in the document “Planning for Bushfire Protection” that no absolute guarantee can be provided that a property will be entirely safe from bushfire events. It is stated that:

*“Providing an acceptable level of protection is to some extent a compromise between the level of threat and the costs (such as financial and environmental) involved in providing the protection...”*  
(page 3)

In recognition of previous land-use decisions and impracticalities of certain circumstances to achieve the required setbacks from fire hazards, the guidelines provide for suitable required asset protection zones. In these Infill situations, the focus of the guidelines is upon satisfaction of performance requirements and upon building construction standards and management practices in the event that hazard clearances are not desirable and/or practicable. Consultation with the Rural Fire Service is required in these circumstances.

The applicant’s consultant has provided an extensive list of construction standards and measures to address the fire hazard. These have been reviewed by the Hornsby / Ku-ring-gai Rural Fire Service, who raise no objection to these measures. Key fire protection measures recommended in the Holmes Fire & Safety Report (Sections 3 & 4) include:

- *Construction to Level 3 (highest level) AS3959 – 1999 “Construction of Buildings in Bushfire Prone Areas”*
- *Provision of suitable Asset Protection Zones , comprising outer and inner protection areas of 10m & 40m respectively*
- *Property access roads within the site to facilitate vehicular access for fire fighting vehicles*
- *Undergrounding of electricity supply*
- *Appropriate storage and handling of reticulated or bottle gases*
- *Provision of a fire hydrant to the northern area of the site for the use of fire fighting personnel*

An objective of the guidelines is to minimise risk to an acceptable level as risk cannot be completely excluded from any site. In addition, the extensive range of building measures proposed by the applicant’s bushfire consultant and the review and endorsement by the Rural Fire Service, provide sufficient grounds to support the applicant’s claim that the risk that is present can be suitably managed through construction standards and fire protection measures in this instance.

Exclusion of this site from residential development would be a precedent that would sterilise broad areas of residential land in the municipality. The guidelines accept that previous land-use decisions will necessarily lead to situations that must be addressed on a case by case or performance basis.

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In this context, the applicant's measures satisfactorily address the bushfire hazard relevant to this site.

**National Parks & Wildlife Service**

The development seeks to rely on a 10m outer protection area which will be located within the NPWS controlled land. A letter has been provided from the NPWS, dated 30 December 2002, which confirms an agreement between the NPWS and the applicant to grant consent to the maintenance of the NPWS land to form the required 10m outer protection area. This agreement will suffice to provide the balance of the required Asset Protection Zone.

**PROVISIONS OF RELEVANT LEGISLATION**

**The Environmental Planning & Assessment Amendment Act 1979  
Section 79C**

**1. Environmental Planning Instruments**

- SEPP 19 - Bushland in Urban Areas
- SEPP 55 - Remediation of Land
- SREP No 23 - Sydney & Middle Harbours
- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- SEPP 1 – Development Standards

**State Environmental Planning Policy No 19 - Bushland in Urban Areas**

The site is adjacent to the Garigal National Park and subject to the provisions of SEPP 19, which in Section 2 (1) & (2) provides for general and specific aims:

- (1) *The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:*
  - (a) *its value to the community as part of the natural heritage,*
  - (b) *its aesthetic value, and*
  - (c) *its value as a recreational, educational and scientific resource.*
- (2) *The specific aims of this policy are:*
  - (a) *to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
  - (b) *to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
  - (c) *to protect rare and endangered flora and fauna species,*
  - (d) *to protect habitats for native flora and fauna,*
  - (e) *to protect wildlife corridors and vegetation links with other nearby bushland,*
  - (f) *to protect bushland as a natural stabiliser of the soil surface,*

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- (g) *to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
- (h) *to protect significant geological features,*
- (i) *to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
- (j) *to protect archaeological relics,*
- (k) *to protect the recreational potential of bushland,*
- (l) *to protect the educational potential of bushland,*
- (m) *to maintain bushland in locations which are readily accessible to the community, and*
- (n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

As the site does not contain significant trees and the proposal has identified the clearing and maintenance of a 10m wide corridor at the fringe of the NPWS controlled land, the provisions of SEPP 19 have been satisfied. This is because there will not be any detrimental impact on existing flora communities and weed intrusion to the bushland can be effectively managed. Council's Landscape Development Officer recommends appropriate conditions requiring the removal of weeds from the site and a re-planting schedule which will see the re-introduction of indigenous plant species.

The stormwater drainage system for the site will see a design that minimises the impact of stormwater flows from the site to the bushland.

**State Environmental Planning Policy No 55 - Remediation of Land**

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - (c) by requiring that remediation work meet certain standards and notification requirements

Clause 7 specifies that:



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- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Phase I and II reports prepared by Environmental Resources Management Australia found the site “suitable for the proposed residential land use with garden accessible soil”. Remediation of the site is therefore not required and is acceptable in its current state for the proposed use.

**Sydney Regional Environmental Plan No 23 (SREP 23)**

SREP No 23 - Sydney & Middle Harbours applies to the site. The SREP sets out matters for consideration under Clause 18 for the determination of development applications. The SREP requires that Council not grant consent to development that is visible from the waterways of Sydney & Middle Harbour, that is not consistent with the general aims of the SREP, in particular;

*Section 2 (1) (e) to recognise, protect and enhance the natural, scenic, environmental, cultural and heritage qualities of the land to which this plan applies in future planning and development control, and,*

The specific aims in relation to the visual environment detailed under Section 2 (2) (f)

- (i) *to protect and enhance the landscape and special scenic qualities of the Harbours, and*
- (ii) *to ensure that adequate consideration is given to the visual impact of development,*

and to ensure that the requirements of Clause 18(a):

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(a) *the appearance of the development from the waterway and the foreshores,*

have been duly considered.

As the development is not visible from the waterways of Middle Harbour, the proposal will be not be inconsistent with the aims and objectives of the SREP.

**Ku-ring-gai Planning Scheme Ordinance**

The proposal requires development consent under the Ku-ring-gai Planning Scheme Ordinance, 1971.

The allotments comprising the parcel under consideration are existing Lot 834 which is zoned Residential 2 (a) and Lot 836 which is zoned Recreation Existing 6(a). Lot 834 comprises an area of 3111m<sup>2</sup> whilst Lot 836 comprises an area of 251.7m<sup>2</sup>. **(Refer to Locality Map)**

The proposed dwellings are located wholly within the portion of the site zoned Residential 2(a). Development for residential purposes is permissible with the residential 2(a) portion, subject to the consent of Council.

The Recreation Existing 6(a) zoning permits development including buildings for the purpose of landscaping, gardening or bushfire hazard reduction. Whilst there are no buildings proposed on the 6(a) zoned land, the fire access trail use is consistent with the zoning table requirements and is therefore permissible, subject to the consent of Council.

Subdivision within the Residential 2 (a) zone is permissible under Clause 23 of the KPSO.

Clause 58A of the KPSO requires that a person shall not subdivide land to which the Ordinance applies except with the consent of Council.

The minimum subdivision requirements of clause 58B of the KPSO and the proposed development's compliance or otherwise with these standards are illustrated below:

	Proposal	KPSO	Compliance
Lot 1	661m <sup>2</sup>	790 m <sup>2</sup>	No
Lot 2 (exclusive of access handle)	1136 m <sup>2</sup>	1105 m <sup>2</sup> (exclusive of access handle)	Yes
Lot 3 (exclusive of access handle)	964 m <sup>2</sup>	1105 m <sup>2</sup> (access of access handle)	No

***SEPP 1 objection***

The proposed subdivision does not comply with the development standards prescribed in clause 58B of KPSO in respect of Lots 1 & 3. As far as the subdivision standards are concerned, the proposal is deficient in regard to the minimum allotment sizes prescribed by

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Clause 58B. A SEPP 1 Objection seeking a variation to the provisions has been prepared and lodged with the application.

SEPP 1 was introduced to provide flexibility to Council's development standards. It enables Council to vary a development standard where strict compliance with that standard would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979.

Where an applicant wishes to vary a development standard, the application must be accompanied by a written objection which demonstrates that compliance with the particular standard is unreasonable or unnecessary and would not hinder obtainment of the objectives of SEPP1 or the objectives of the Environmental Planning and Assessment Act. The written statement must demonstrate that the objection is well founded and that the proposal is consistent with the objectives of the relevant development standard.

The proposed subdivision results in a non-compliance with clause 58B (3) (a) (iii) with respect to the minimum required allotment size for proposed lots 1 & 3. Proposed Lot 1 has a site area of 661m<sup>2</sup> with a width of 17.8m where this clause requires a minimum allotment size of 790m<sup>2</sup> and a width of 18m. Proposed Lot 3 has a site area of 964m<sup>2</sup> where the clause requires a minimum allotment size of 1105m<sup>2</sup> in the Residential 2(a) zone.

The SEPP 1 prepared by MG Planning Pty Ltd maintains that compliance with the minimum lot size standard and minimum handle width is unreasonable and unnecessary in the circumstances as:

Lot 3 – Area Non-Compliance

- *The proposed dwellings have been designed for the allotments and generally comply with the requirements set out in Council's DCP 38. All dwellings fit well into their allotments and allow maximum potential for landscaping of the former bowling green and have minimal impact on their neighbours.*
- *The gross area of Lot 3 including the driveway along the eastern boundary and fire trail along the northern perimeter is 1403m<sup>2</sup> physically some 298m<sup>2</sup> in excess of the 1105m<sup>2</sup> prescribed minimum. It is assumed the intent of the 1105m<sup>2</sup> minimum area requirement and the exclusion of the "battle-axe" land from this area is to ensure a useable site area on which the dwelling is to be located. In this instance the driveway and fire trail form part of the useable area of the site so that the "effective" area is 1403m<sup>2</sup>.*
- *Due to Rural Fire Service (RFS) requirements for provision of 40 metre Inner Protection Area no second dwelling is able to be built on the northern part of Lot 3. Ordinarily the 1105m<sup>2</sup> requirement for an internal allotment would be deemed appropriate to accommodate a second dwelling. This significant development constraint is not reflected in the blanket application of an 1105m<sup>2</sup> minimum lot size that*

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*envisages the potential for a second dwelling. As such Lot 3 which is a sizeable property, will be considerably under developed by comparison to nearby properties. In the circumstances, compliance with the 1105m<sup>2</sup> area minimum is considered unnecessary and unreasonable for what is effectively only a single dwelling site despite its vast size.*

- *The non-compliance with the “net” area for Lot 3 directly results from the requirements of the Rural Fire Service to provide an easement for access by fire trucks (fire trail) during prescribed burns. In the absence of such a requirement, the Right of Way for vehicle access to Lot 2 would have been located at the southern end of the site abutting the rear of No 100 Wellington Road. This would have the effect of deleting the length of carriageway along the eastern boundary and resulted in both Lots 2 & 3 having “net” areas of some 1300-1400m<sup>2</sup>. This aside, there are positive benefits of the subject proposal in that there is no driveway abutting No 100. A further benefit to the locality is the introduction of a fire trail which links the Bowling Club to the west with the Crown Land (Lot 799) to the east. On balance, while compliance could be achieved by an alternative driveway layout, the resulting development has advantages in terms of neighbour amenity and fire truck access such that compliant allotments would have a less desirable planning outcome.*
- *No fencing is proposed in the vicinity of the fire trail at the northern end to facilitate RFS access. As such Lot 3 will have the visual appearance of having a substantial private garden incorporating the fire trail along the northern perimeter with no potential for development on this part of the site. Accordingly Lot 3 will not visually appear to be undersized.*
- *A single residential dwelling is proposed on each allotment. Due to constraints imposed by Rural Fire Service for provision of 40 metres Inner Protection Area, no dual occupancy is proposed or is likely to occur in the future. Hence, the allotments will be under developed by comparison to other lots in Ku-ring-gai.*

Lot 1 - Area & Lot Width Non-Compliance

- *Lot 1 has a gross area of 661m<sup>2</sup> and a “net” area of 500m<sup>2</sup>. It is capable of accommodating the proposed dwelling with stepped setbacks to No100 of 1.5 to 4metres (ground floor) and 4.8metres (first floor) to achieve a minimum building separation of some 6.5m (ground floor level) and 9.8m (first floor level). Lot 1 dwelling has an average street setback of 11metres. However on account of the expansive road reserve abutting Lot 1 it will have the appearance of being a significantly larger property in that it presents as a 16-26m landscaped setback. Given the resulting development will appear in keeping with surrounding densities, setbacks and landscaping, it is considered unreasonable and unnecessary in this case to comply with the minimum area/width development standards.*
- *The standards in the KPSO appear to date from 1971 and are far in excess of*

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*reasonable standards that would be set in today's climate where the objective of economic and efficient use of land is one of the key considerations in planning. The area of Lot 1 is 661m<sup>2</sup> which exceeds the new release area standards of 232m<sup>2</sup> – 400m<sup>2</sup> for integrated housing lots and 400+m<sup>2</sup> for ordinary housing lots. Smaller lot sizes are consistent with State Government push for urban consolidation. Notably, 117(2) Directions G26 Residential Allotment Sizes which promotes 450m<sup>2</sup> lots and 232m<sup>2</sup> integrated housing lots. The proposal is in essence an integrated housing development in that it comprises both the subdivision and the erection of a dwelling which has been designed to fit the site. In this respect, a site area of some 661m<sup>2</sup> is more than adequate to accommodate the proposed dwelling and is entirely consistent with State Government's urban consolidation policies.*

- Current planning controls in Ku-ring-gai permit a detached dual occupancy development on a 600m<sup>2</sup> lot and an attached dual occupancy on a 400m<sup>2</sup> lot with a maximum FSR of 0.5:1. If Lot 1 was an existing property it would be numerically adequate to accommodate a dual occupancy development. The proposal for a single dwelling with an FSR of 0.267:1 is considered an under development of the site which more than compensates for its less than 790m<sup>2</sup> site area.*
- The Right of carriageway over Lot 1 will be largely utilized by Lot 1 dwelling to gain access and turn around on site. The proposal for a two storey single dwelling with garage access from the eastern side of the property will not be dissimilar in its appearance to the neighbouring property No 100. The technical non-compliance with the development standard for lot width is 0.2m which is very minor and will not be visually discernible. The proposed lot dimensions/area and the building footprint provides a north –facing private garden accessed from the ground floor living room so that residents will enjoy a high standard of amenity. The first floor level does not exceed 40% of the ground floor area, is set back 4metres from No 100 boundary and contains no first floor level west facing windows so that there is no detrimental impact on the amenity of No 100. Given there are no detrimental impacts on the streetscape or neighbouring properties, and that the development is able to achieve a high standard of amenity for occupants of Dwelling 1, the imposition of the area/width development standards is unreasonable and unnecessary in the circumstances.*
- The design and location of the dwellings on each allotment ensures that overshadowing is not an issue and the potential for extensive landscape planting will ensure overlooking/privacy concerns are addressed.*

Lot 1, measuring 661m<sup>2</sup>, is 129m<sup>2</sup> shy of the minimum allotment size and represents a non-compliance of 16%. It is considered that proposed lot 1 is consistent with the existing subdivision pattern of the surrounding locality. Lot 1 is of sufficient size to accommodate the existing dwelling without impacting on the amenity of the surrounding properties, including the adjoining development at 100 Wellington Road. Lot 1 is also considered to be of sufficient size to allow landscaping, including canopy trees and appropriate open space. In this instance strict compliance with Clause 58B (3) (a) (iii) is unnecessary and that the

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proposed subdivision achieves the intended objectives of minimum allotment sizes.

With regard to proposed Lot 3, the non-compliance is 141m<sup>2</sup> or 13%. Once again, the allotment is of a size, configuration and gentle grade that can reasonably accommodate a dwelling which is consistent with the size and scale of the general pattern of development in the area. The right of carriageway to the east of Lot 3 will assist in providing a visual and physical separation from the bushland to the east. As the site is not directly visible from the street, the proposed allotment is considered to be appropriate to support the dwelling as proposed on the site.

Additionally, it is considered that:

- The departure from the minimum lot size is minor and will still result in a lot size compatible with that of surrounding residential properties;
- The proposed subdivision will not result in any undue environmental impacts; privacy will be maintained, no overshadowing will occur and the sites can be developed and provided with the appropriate buffer zones to provide protection from bushfire attack
- Notwithstanding the non-compliance with the minimum allotment sizes, the proposed dwellings will not result in any unreasonable overshadowing, overlooking or loss of privacy to the neighbouring properties.
- The requirements of the NSW Rural Fire Service with regard to appropriate buffer zones to protect the buildings will ensure that the sites remain for single occupancy use. The spatial separation between the building and the setbacks from the boundaries of the allotments will ensure that the amenity of the existing properties in terms of the outlook to the bushland and the available solar access will be reasonably maintained.

The SEPP 1 objection is considered to be satisfactory in that the design of the dwelling for each allotment has demonstrated that a dwelling of a satisfactory size with outdoor recreation space that is commensurate with the style and scale of other developments in the area can be provided, notwithstanding the non-compliance with the minimum allotment sizes of the KPSO.

The requirements of the NSW Rural Fire Service to provide appropriate setbacks for buffer zones from the bushland and for perimeter access for fire fighting vehicles constrain the site. Notwithstanding the RFS requirements and the non-compliance with the minimum allotment sizes, it has been demonstrated that the sites can be safely developed and the threat of bushfire attack effectively managed.

The SEPP 1 Objection is considered to be well founded and the development standards should be allowed to be varied in this instance.

**Schedule 9 - KPSO**

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The aim of Schedule 9 of the KPSO is to maintain and, if appropriate, improve the existing amenity and environmental character of residential zones and to permit new residential development only where it is compatible with the existing environmental character and has a sympathetic and harmonious relationship with adjoining development. Subdividing the allotments, as proposed, would result in lots upon which a dwelling houses can be reasonably provided.

There are no other specific prescriptive controls in relation to residential dwelling development in the KPSO. However, the aims and objectives of the ordinance as outlined in Schedule 9 are applicable to this application, and are summarised below:

**a) Amenity and Environmental Character**

Lot 1

The design has taken into consideration the appearance of the development from the adjoining allotments and the street. The dwelling on Lot 1 will not detract from the character of the adjoining properties or the surrounding area. The dwelling is provided with varied setbacks and appropriate articulation to minimise bulk and scale as viewed from the street and adjoining properties. Appropriate setbacks to the street and side boundaries have been provided to minimise impacts on the adjoining properties and the street and to allow landscaping.

Lots 2 & 3

The dwellings on Lots 2 & 3 will generally not be visible from the street due to their considerable setback from the street and location behind the dwelling on Lot 1, No.98 and No.100 Wellington Road.

Although of a two storey design, the first floor components are relatively small and in keeping with the bulk and scale of surrounding properties. With the proposed 12 metre setback the impact on adjoining properties would be acceptable.

**b) Relationship with adjoining dwellings**

The proposal provides for a more contemporary design which compliments the existing development within the area. The heights of the proposed dwellings compliment and provide an appropriate transition to the adjoining development. This has been achieved by providing appropriate setbacks and articulation to the first floor level of the dwelling. The dwellings provide for increased setbacks to the first floors to minimise the bulk and scale. Due to orientation of the site, ground floor and first floor setbacks, the development will not result in any material impacts by way of overshadowing, loss of views or privacy. As such, the proposal is satisfactory in relation to its impact on the amenity of the surrounding properties. The bulk and scale of the proposed works at the

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street frontage is compatible with that of existing development within the locality and will not have an adverse impact on the subject site, adjoining properties or surrounding development.

**c) Access to sunlight for neighbouring dwellings**

The submitted shadow diagrams indicate that all adjoining properties will receive in excess of 4 hours of sunlight to habitable rooms and private open space on the winter solstice. These diagrams are correct and reasonable solar access to adjoining properties will be maintained.

**d) Overlooking**

The proposed development is designed to minimise loss of privacy to adjoining properties. All high use living areas are located on the ground floor, with only bedrooms and bathrooms on the first floor. The windows on the first floor (side) elevations have been designed to prevent overlooking. The primary outdoor living spaces of the dwellings face north and, as such, will not result in a loss of privacy either within the development or to adjoining properties.

**e) Landscape quality and soft landscape area**

The subject site is within an area that is characterised by a variety of dwelling styles, on similar sized allotments with relatively narrow street frontages and limited canopy tree plantings. The application will result in a development which is comparable to the predominant landscape quality of the existing locality. As the proposal will comfortably comply with Council's minimum soft landscaped area controls and will be compatible with the existing surrounding locality. The proposed landscaped area is satisfactory.

**f) Height, Size and Bulk**

The bulk and scale of the development would be compatible with that of the adjoining development and the locality. The proposal has been designed to minimise bulk and scale by providing varied setbacks, increasing setbacks as wall heights increase and minimising the roof pitch. Appropriate architectural relief further serves to minimise bulk and scale. Whilst the surrounding properties are generally one to two storey in scale, the proposal provides for a compatible scale relationship with the neighbouring developments. The dwelling on Lot 1 will observe the existing street frontage setback which allows landscaping forward of the dwelling. The proposal presents well within the streetscape.

**g) Style of dwellings**

The Visual Character Study identifies the area as being of the 1945 - 1968 era in terms



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of built form. The proposed architectural style will not detrimentally impact on the adjoining properties or the surrounding area. The proposed materials are compatible with the face brick and tiled roof construction which characterises the area.

**h) Forward entry and exit of vehicles**

The application provides for two, off-street, car parking spaces in the form of a garage which is integrated into the dwelling design in the case of Lot 1 and detached from the dwelling for Lots 2 & 3.

Vehicles will be able to turn and manoeuvre within the site and exit in a forward direction. The design of the internal road system will also allow for fire fighting vehicles to access the bushland interface.

The objectives stated in Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance, seek to ensure that the built form and intensity of new developments respects the scale, character and density of existing development and does not detrimentally affect or degrade the amenity of surrounding residents or the existing quality of the environment. The proposal complies with these objectives.

**Development Control Plan No 38 - The Good Design Manual**

**a. Streetscape**

The subject site is relatively level with the street. Clause 5.1.3 requires a minimum front setback of 9.0m. The proposed dwelling on proposed Lot 1 observes the general setback of development facing Wellington Road which, together with the visual separation afforded by the right of carriageway to the rear lots adjoining the eastern boundary of Lot 1, ensures that the development will present an acceptable bulk and scale which is compatible with the existing streetscape of the vicinity. The proposed setback complies and is appropriate.

Clauses 5.5.3 and 5.5.4 of the Development Control Plan No 38 also states that the provision of garages, carports or other structures for the parking of cars should not reduce the garden setting of buildings or to have an adverse impact upon the streetscape. The proposal incorporates a two car garage which is integrated into the dwelling design and, with the proposed access directly from the ROW to the rear lots, is compatible with the existing development within the locality.

**Lot 1**

The DCP requires a minimum side boundary setback of 1.5 metres for single storey dwellings and 2.0 metres for two storey dwellings. The proposal provides a setback of 1.5m to the western boundary and in excess of 2.0m to the eastern boundary. The eastern boundary setback complies with this requirement. Whilst there is a slight non-compliance with respect to the western boundary, the non-complying setback will not

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result in unreasonable overshadowing of the neighbouring property. As demonstrated in the shadow diagrams, the proposal does not result in a significant loss of solar access, with the adjoining property receiving in excess of 4 hours of sunlight to open space and habitable rooms. There are no windows proposed in the first floor western wall and, therefore, the non-compliance will not result in a loss of privacy to the adjoining western premises. Further, a setback of 1.5m is sufficient to provide landscaping.

The DCP also requires the first floor of any dwelling to be set back 2.5m or 15% of the site width, whichever is the greater. The minimum first floor setback to the eastern boundary is in excess of 2.5m.

Lots 2 and 3

The proposed dwellings on Lots 2 & 3 comply with the setback provisions for both the ground and first floor levels. Due to the orientation and physical separation (approximately 24 m to the nearest neighbouring house) no overshadowing or privacy issues are envisaged.

**b. Building Form**

The first floor levels of each of the proposed dwellings are well articulated and well set back. The roof pitch has been reduced to minimise bulk, scale and height.

The floor space ratios for each allotment comply with Clause 5.2.1 of the DCP.

The maximum height of dwellings under clause 5.2.2 is two storeys and a maximum 7.0m ceiling height. The ceiling heights of the proposed dwellings do not exceed 7.0m.

The proposed dwellings comply with the building height plane control.

The proposal provides for increased setbacks as wall heights increase. The setbacks and the orientation to the north for the primary living areas for the development will not introduce unreasonable overlooking and loss of privacy to the neighbouring properties. (First floor setbacks from the boundary vary from 6 metres for Lot 1 to more than 12 metres for Lots 2 and 3).

Accordingly, the proposal achieves the objectives of this clause.

**c. Open Space and Landscaping**

Clause 5.3.3 of the DCP requires a minimum soft landscape area of 42% of the site for Lot 1, 48% for Lot 2 and 46% for Lot 3. With the two storey footprint and significant setbacks required to provide the bushfire buffer zones, the proposed landscaped areas will be 52%, 69% and 52%, respectively. The proposed dwellings will comfortably comply with the requirements of this clause.

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**d. Privacy and Security**

The proposed dwellings have been designed to minimise loss of privacy to the adjoining properties. All dwellings incorporate the primary living rooms on the ground floor with bathroom and bedrooms on the first floor. The setbacks from the boundaries of the allotments will allow for appropriate screen planting in addition to additional interspersed canopy trees. The landscape plan incorporates species that will provide for screening without contributing to the bushfire risk to the site. Privacy to the adjoining properties will be maintained.

**e. Water Management**

A water management design for the retention and re-use of stormwater from the site has been prepared in consultation with Council's Development Engineers. Given the sensitive nature of the site being adjacent to bushland, the proposed system is a reasonable response to the treatment and recycling of stormwater runoff from the site.

Submissions and approval of a Waste Management Plan prepared in accordance with DCP 40 has been included as a condition in the recommendation. **(See Condition No 45)**

**f. Ancillary Facilities**

Other than the detached garages for Lots 2 & 3, there are no proposed ancillary structures to the main dwellings.

**Subdivision Code**

Council's Subdivision Code generally reflects the Development Standards of the Ku-ring-gai Planning Scheme Ordinance with respect to subdivisions. The Code also provides additional requirements, a summary of the requirements of this Code are summarised in the following table:

2.1 Frontages & Dimensions (Zone 2a)

Requirement	Proposal	Compliance
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CI 2.1(d) – Access corridors. 3 lots using access – 9.15m total width.	Total width – 4.6m	No. However, as detailed previously in this report, it is considered that the proposed access is of sufficient width to allow safe and convenient vehicular access. Council's Development Engineer supports the proposal subject to conditions of consent.
CI 2.1(e) No dwelling shall be erected on an allotment where width is less than 18.29 metres.	Width Lot 1 – 19.885m Width Lot 2 – more than 19m Width Lot 3 – more than 17m	No. As detailed previously in this report, it is considered that the allotment widths as proposed are considered adequate to maintain the amenity of the adjoining properties. The non-compliance in the case of Lot 3 is minor (+ or - 1.0m) while the dwelling design for Lot 1 minimises possible bulk/scale issues by massing the building toward the access corridor, away from the neighbouring dwelling (ie. No.100 Wellington Road).
CI 2.2.2 Minimum allotment size. Hatchet Allotment – 1105m <sup>2</sup>	Lot 1 – 998 m <sup>2</sup> Lot 2 - 1111 m <sup>2</sup>	Lots 2 & 3 - Yes. Lot 1 – No. However, as detailed previously in this report, it is considered that the allotment size is compatible with the existing subdivision pattern, and allows for a dwelling to be constructed that will maintain the amenity of the adjoining properties.

## 2. Likely Impacts

The proposed development involves the subdivision of two lots into three and the construction of a single dwelling on each lot, in an established area of East Lindfield. The physical, ecological and amenity impacts of the development have been considered above and found to be satisfactory. Standard and specific conditions have been recommended to ensure that these impacts are maintained within acceptable limits.

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### 3. Suitability of the Site

The land is of a satisfactory shape and size to accommodate the proposed development and to enable it to integrate with the surrounding development and provide a suitable level of amenity for future occupants.

The site is subject to a bushfire hazard. The proposal has been considered by the NSW Rural Fire Service and the RFS has endorsed the report prepared by Holmes Fire & Safety which recommends asset protection zones, levels of construction in accordance with AS3959 – 1999 “Construction of Buildings in Bushfire Prone Areas”.

Utility services are available to the site and its location within an established suburban locality will ensure all required social and economic services are readily available to future residents.

The site therefore is considered suitable for the proposed development.

### 4. Any Submissions

The issues raised in the submissions have been addressed under Consultation - Community.

### 5. Public Interest

The application proposes a more intensified use of residential land in an established residential area. The proposal is compatible with the existing environment and its approval is in the wider public interest.

### 6. Section 94

Each proposed dwelling is assessed as being “Very Large Dwellings” for the purposes of the Council’s Section 94 Contributions Plan for Residential Development. Each dwelling will attract a Section 94 contribution of \$33,057.22.

### **Any other Relevant Matters Considerations Not Already Addressed**

There are no other relevant matters for consideration.

## CONCLUSION

The proposal is acceptable, notwithstanding there being an element of risk to all bush-fire prone properties. It is the objective of the “Planning for Bushfire Guidelines” to find an acceptable risk. In this case, acceptable risk is reached within the context of an existing infill circumstance and the use of higher construction standards and fire protection measures. The Rural Fire Service have reviewed the proposal and do not object to the development proceeding on this site. These are considered valid and justifiable grounds for Council to accept the identified bush fire risk in this

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instance.

Section 79BA and Section 79C of the Environmental Planning & Assessment Act 1979 have been considered and the proposal is acceptable in this regard. The proposed low density use is compatible with the established residential pattern of the area and will be an appropriate land use given the bushfire constraints as outlined.

The proposal is therefore recommended for approval, subject to conditions.

## RECOMMENDATION

- A. That Development Application No 617/03 for the subdivision of two lots into three and the construction of three residential dwellings on Lots 834 & 836 in DP 240858, being No102 Wellington Road, East Lindfield, be approved subject to the following conditions.

## GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 617/03 and Plan of Proposed Subdivision prepared by Higgins Norton Partners, Surveyors & Property Consultants, reference number 21333D, dated 31 March 2003, and Development Application plans prepared by Huxley Planning & Design Pty Ltd, printed 12 May 2003 and reference number Lot 1, Lot2, Lot3, and lodged with Council on 20 May 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are

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to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

9. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. Compliance with the general terms of approval issued by NSW Rural Fire Services.

All buildings are to comply with Level 3 'Construction requirements in accordance with AS 3959-1999'.

16. Gas storage shall be installed and maintained in accordance with AS/NZS 1596-1997 - Storage and Handling of LPG Gas.
17. The right of carriageway on the northern boundary is to be increased to six metre width to

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provide a four metre formed all weather carriageway plus a one metre table drain on each side of the carriageway.

18. Written agreement from the National Parks and Wildlife Service to the provision of a 10 metre Outer Protection Area within the Garigal National Park and to be maintained at the cost of the owners of Lots 2 and 3.
19. Where the rear of the proposed structure is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
20. Provision for fire trail access to link to the adjoining Bowling Club and rear of adjoining development to the west as well as the east of the proposed development.
21. The RFS also seeks as part of the approval the demolition of the existing building (former Bowling Club) and the adoption of the recommendations on page 14 of tree report by Holmas Fire and Safety, dated 16 May 2003 (Version A).

22. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

23. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
24. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

25. The corrugated roofing on the club house contains asbestos and must be disposed of in accordance with legislation.



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A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

26. Capacitors within light fittings in the club house may contain PCBs. During demolition light capacitors should be appropriately disposed of.
27. The provision of a stormwater retention and re-use tank system for each dwelling (10,000 litre minimum for each dwelling) as designed in the "Water Sensitive Urban Design Report" prepared by STORM Consulting, dated April 2003.
28. For each dwelling, stormwater run-off from the overflow from the stormwater retention tank and all other hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to an infiltration trench, positioned parallel to the contours of the site at the highest practicable level. Overflow from each dispersal trench shall be piped to the proposed bio-retention cut off trench, to run along the entire outside perimeter of the right of carriageway. The bio-retention trench is to be backfilled with free draining material and planted over with a dense cover of native vegetation.

NOTE 1: A separate infiltration trench shall be provided for each dwelling.

NOTE 2: The dispersal trenches should be 700mm wide x 700mm deep x 1.0 metre run/10m<sup>2</sup> of area to be drained. Trenches should be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 3: Trenches should be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 4: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 5: A certificate from the installer is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

29. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate

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unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

30. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
31. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
32. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
33. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
35. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

36. Landscape works shall be carried out in accordance with Landscape Drawing No 55.03/138

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prepared by Ian Jackson and dated November 2003 submitted with the Development Application, except as amended by the following:

- all garden areas are to be planted out – ground covers can be planted between shrubs.
37. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
38. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
39. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
Row of Casuarinas/ adjoining property to the east	3 metres

40. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

41. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

42. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's

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property is sold within 7 years of the commencement of the work).

43. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
44. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF THREE (3) ADDITIONAL DWELLINGS IS CURRENTLY \$99,171.60. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Lindfield	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

45. The Construction Certificate shall not be released until a Waste Management and Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The Waste Management Plan shall be prepared in accordance with Development Control Plan 40 with due regard for the safe disposal of asbestos.

The Site Management Plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

46. The plans submitted for the Construction Certificate shall include all bushfire construction measures compliant with Level 3 construction under *Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas*, and the recommendations (Section 3 and 4) of the “*Bushfire Hazard Assessment for Bushfire Safety Authority – Subdivision for three dwellings, Lots 1, 2, 3. 102 Wellington Road, East Lindfield*”, prepared by Holmes Fire & Safety, reference :Project No. 97248.01, dated 16 May 2003, Version A. A certificate shall be provided by a suitably qualified and experienced bushfire consultant to the Principal Certifying Authority that the plans approved for the Construction Certificate comply with these recommendations.
47. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application. For any new footpath and driveway levels in the Road Reserve, levels must be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

48. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any systems designed for the site only. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Council's including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
49. The property drainage system (gutters and downpipes) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual and the drainage conditions of consent. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

50. Submission of construction drawings and specifications for the proposed stormwater retention and re-use system **for each dwelling**, prepared by a suitably qualified and experienced hydraulic engineer. These must be submitted for approval by the Principal Certifying Authority **prior** to issue the Construction Certificate. The design must incorporate the following provisions proposed in the "Water Sensitive Urban Design Report" and "drawing 1", by STORM Consulting, dated April 2003 submitted for DA approval.
- i. The design is to note compliance with the BCA and AS 3500.2 & AS3500.3:1998.
  - ii. A stormwater retention tank is required for each of the dwellings. Each tank is to be 10KL volume (minimum) and provided with pumping equipment. The tanks and pumps are to be readily accessible for maintenance and cleaning purposes.

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- iii. Provision of leaf gutter guards to all roof gutters.
- iv. An air gap being provided at the top of each tank.
- v. Mains backflow prevention devices being installed at all relevant locations
- vi. Sediment sump of 150mm minimum being provided at the base of each tank
- vii. All recycled stormwater outlet points are to have permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not For Drinking" or equivalent.
- viii. The provision of water mains back-up system to each collection tank.
- ix. Evidence of Sydney Water approval to the proposed system.
- x. All toilet flushing, laundry, hot water and garden tap water usage for each dwelling is to be sourced from the respective stormwater retention tank on each lot.
- xi. system is to utilise stormwater from corresponding stormwater retention and re-use system.
- xii. The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- xiii. An overflow system from the stormwater retention tank to the infiltration and bio-retention trench system generally as shown on "drawing 1" by STORM Consulting.
- xiv. Compliance with the "Interim Guidelines for the Installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed" issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002.

51. Submission for approval prior to issue of the Construction Certificate of design documentation for the driveway to the proposed new Lots. The designing engineer is to certify that the proposed driveway is structurally adequate for design vehicles associated with construction of a residential dwelling, and complies with Australian Standard 2890.1 – 1993 "Off-street car parking". A passing bay with minimum width 5.5 metres for a minimum distance of 6 metres is to be provided adjacent to lot 1.

52. A *cash bond/bank guarantee* of \$6000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

53. The applicant shall ensure that no underground services (ie water, sewerage, drainage and

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gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

54. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
55. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
56. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.
57. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
58. To preserve existing trees, no work shall commence until a fence is erected along the front eastern boundary to prevent any activities, storage or the disposal of materials beneath the canopies of trees located in the adjoining property. The fences shall be maintained intact until



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the completion of all demolition/building work on site.

59. To preserve existing bushland, no work shall commence until a fence is erected along the front northern boundary of the site to prevent any activities, storage or the disposal of materials within the adjacent bushland. The fence shall be maintained intact until the completion of all demolition/building work on site.
60. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
61. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

62. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
63. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
64. The creation of a Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919, burdening the area for a distance of 40 metres, in width inside the northern boundary of 102 Wellington Road for the purpose of a inner protection area, the terms of which state that this area shall be selectively hand cleared to:
  - a. Remove leaf litter
  - b. Removal all weeds
  - c. Cut off just above ground level shrubs and bracken
  - d. Remove any branches of trees up to 3.0 metres above ground level
65. The development shall not be occupied until a certificate is provided by a suitably qualified and experienced bushfire consultant that the development complies with the construction standards and measures outlined in Level 3 construction under AS3959 - *Construction of Buildings in Bushfire Prone Areas*, and the recommendations (Section (Section 3 and 4) of

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the “*Bushfire Hazard Assessment for Bushfire Safety Authority - Subdivision for three dwellings, Lots 1, 2, 3. 102 Wellington Road, East Lindfield.*” prepared by Holmes Fire & Safety, reference: Project No 97248.01, dated 16 May 2003, Version A.

66. The dwellings approved under DA 617/2003 are to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to issue of a Subdivision Certificate by Council.
67. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to occupation, that:
  - a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

68. Construction of the stormwater reuse/retention and infiltration/bioretenion systems is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, that:
  - i. The design incorporates the features noted in the “Water Sensitive Urban Design Report” and “drawing 1”, by STORM Consulting, dated April 2003.
  - ii. The design complies with the BCA and AS 3500.2 & AS3500.3:1998.
  - iii. A stormwater retention tank (minimum volume 10Kl) is installed for each of the dwellings and that tank and pumps are readily accessible for maintenance and cleaning purposes.
  - iv. Leaf gutter guards are provided to all roof gutters.
  - v. An air gap is provided at the top of each tank.
  - vi. Mains backflow prevention devices are installed at all relevant locations.
  - vii. Sediment sump of 150mm minimum is provided at the base of each tank
  - viii. All recycled stormwater outlet points have permanently affixed plaques in readily observable locations which read “Recycled Stormwater - Not For Drinking” or equivalent.
  - ix. There is provision of water mains back-up system to each collection tank.
  - x. Sydney Water has approved the proposed system.
  - xi. All toilet flushing, laundry, hot water and garden tap water usage for each dwelling is sourced from the respective stormwater retention tank on each lot.
  - xii. There is an automatic irrigation system for watering purposes on each dwelling and that each irrigation system utilises stormwater from the respective stormwater retention and re-use system.

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- xiii. There are filtration devices on each system to ensure no blockage of delivery plumbing systems.
- xiv. That overflow from the each stormwater retention tank is to the infiltration and bioretention trench system generally as shown on “drawing 1” by STORM Consulting.
- xv. Compliance with the “Interim Guidelines for the Installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002, has been achieved.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier. The Work-as-Executed drawing and Engineers certificate required by this condition must be submitted prior to Occupation or issue of a Subdivision Certificate.

- 69. Construction of the driveway access to proposed new Lots is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to occupation or issue of a Subdivision Certificate.
- 70. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening each lot with the requirement to maintain the retention/reuse system (including collection tanks, filters, pumps, infiltration trenches, bioretention trenches and delivery plumbing), prior to occupation or the issue of a subdivision certificate. The stormwater retention and re-use system including collection tanks, filters, pumps, infiltration trenches, bioretention trenches and delivery plumbing is to be subject to regular maintenance to ensure that it is kept in good working order and the collection tanks are kept clean. The locations of the retention tanks are to be shown on the subdivision plan.
- 71. In order to maintain Council’s database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater reuse/retention design, the works-as-executed drawings and the Engineer’s certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation or release of the subdivision plan.
- 72. Prior to occupation or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council’s Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council’s Development Engineer.
- 73. Prior to issue of the subdivision certificate, the submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Ku-ring-gai Council being named as the authority empowered to release, vary or modify the same.

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74. Creation of burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all existing interallotment drainage lines, services or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.
75. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the plan of subdivision.
76. The provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.
77. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority. In addition, the following details are to be submitted with the Plan of Subdivision:
  - a. The 88B Instrument.
  - b. The Engineer's Certification of the stormwater retention/reuse facilities.
  - c. Any Surveyors Certification required by other conditions in this consent.
  - d. The Section 73 Compliance Certificate.

Note 1: The location of the retention tanks are to be shown on the linen plan

Note 2: Failure to submit the necessary information will delay release of the linen plan

## BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

78. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.

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- d. Retaining walls and associated drainage.
- e. Wet area waterproofing details complying with the Building Code of Australia.
- f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

79. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structures prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

80. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
81. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
82. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
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Going (Treads):            Maximum 355mm            Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

83. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

84. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

85. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

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- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- c. Registered Surveyor's Report confirming that the 'height' of the building (as defined in the Ku-ring-gai Planning Scheme Ordinance 1971) does not exceed 8.0 metres.

V Milligan  
Consultant

C Swanepoel  
Acting Team Leader,  
Roseville Ward

M Miocic  
Director  
Environment &  
Regulatory Services

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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b>Report title:</b>	34 EASTERN ARTERIAL ROAD, KILLARA - ADDITIONS TO AN EXISTING DWELLING AND CONSTRUCTION OF A DETACHED DUAL OCCUPANCY
<b>Ward:</b>	Gordon
<b>Development Application N°:</b>	1432/02
<b>Subject Land:</b>	34 Eastern Arterial Road, Killara
<b>Applicant:</b>	Mr G Whitaker C/- Glendinning Minto & Associates
<b>Owner:</b>	Wales Australian Resources Pty Ltd
<b>Designer:</b>	Australian Construction Partners Pty Ltd
<b>Present Use:</b>	Residential
<b>Zoning:</b>	Residential 2c
<b>Heritage:</b>	No
<b>Permissible Under:</b>	State Environmental Planning Policy 53
<b>Council's Policies Applicable:</b>	Development Control Plan 43 - Car Parking, Development Control Plan 40 - Waste Management
<b>Compliance with Codes/Policies:</b>	Yes
<b>Government Policies Applicable:</b>	State Environmental Planning Policy 53 State Environmental Planning Policy 55
<b>Compliance with Government Policies:</b>	Yes
<b>Date Lodged:</b>	10 October 2003
<b>40 Day Period Expired:</b>	19 November 2003
<b>Proposal:</b>	Consolidation of two lots into one then construction of a dual occupancy comprising alterations and additions to an existing dwelling plus construction of a second dwelling
<b>RECOMMENDATION:</b>	Approval subject to conditions



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**DEVELOPMENT APPLICATION NO:** 1432/02  
**PREMISES:** 34 Eastern Arterial Road, Killara  
**PROPOSAL:** CONSOLIDATION OF TWO LOTS INTO ONE THEN CONSTRUCTION OF A DUAL OCCUPANCY COMPRISING ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING PLUS CONSTRUCTION OF A SECOND DWELLING  
**APPLICANT:** Mr G Whitaker C/- Glendinning Minto & Associates  
**OWNER:** Wales Australian Resources Pty Ltd  
**DESIGNER:** Australian Construction Partners Pty Ltd

## **PURPOSE FOR REPORT**

To determine an application for additions and alterations to the existing dwelling and the construction of a detached dual occupancy. Council has resolved that dual occupancy applications are to be determined by Council.

## **EXECUTIVE SUMMARY**

- Consolidation of two lots into one then construction of a dual occupancy comprising alterations and additions to an existing dwelling plus construction of a second dwelling
- Minor massing and design issues
- Recommended for approval.

## **HISTORY**

The application was received on 10 October 2002. A letter was sent to the applicant dated 17 February 2003 outlining concerns in relation to landscaping, vehicular manoeuvrability, flood impacts, urban design, visual impacts, bulk and scale, front setback, private open space, built-upon area and building envelope issues.

Discussions were held between the applicant and Council's staff on two occasions. A revised proposal was lodged in September 2003. This revised proposal forms the basis of this report to Council.

## **THE SITE**

Zoning: Residential 2c  
Visual Character Study Category: 1945-1968  
Lot Number: C & D

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DP Number:	327330 & 38524
Area:	673.9 & 371.5m <sup>2</sup>
Side of Street:	Western
Cross Fall:	To street
Stormwater Drainage:	On Site Detention then to Council's street system
Heritage Affected:	No
Required Setback:	12.0 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No
Section 94 Contribution:	Yes

## SITE DESCRIPTION

The site is located on the western side of Eastern Arterial Road, approximately 50m north of Rosetta Avenue. The southern boundary of the site adjoins a drainage reserve with a width of approximately 3.1m.

The site currently comprises 2 parcels of land, being Lot C in DP 327330, with a site area of 673.9m<sup>2</sup> and Lot D in DP 385241, with a site area of 371.5 m<sup>2</sup>. The application proposes the consolidation of the lots to form one parcel of total site area 1045.4 m<sup>2</sup>.

The consolidated site will be generally rectangular in shape, with its total width to the eastern street front boundary being 16.645m and the western rear boundary being approximately 14m. The north and south side boundaries will be 70.76m and 71.225m in length, respectively.

The existing dwelling on the site is a single storey brick dwelling with tiled roof and carparking under. The existing dwelling has no heritage value. Existing car access is available from Eastern Arterial Road.

## THE PROPOSAL

Is a new front fence part of the proposed development?	No
Is a new swimming pool part of the proposed development?	No

The proposal seeks approval for consolidation of two lots into one then construction of a dual occupancy comprising alterations and additions to an existing dwelling plus construction of a second dwelling. Vehicular access to the dwellings will be Eastern Arterial Road via a common access driveway adjacent to the southern boundary of the site.

The additions to the existing dwelling will encompass the re-construction and widening of the single garage under the dwelling, to form a double garage with storage area, additions and alterations to the existing ground floor level and a first floor addition to provide a second bedroom

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for the dwelling.

The proposed two storey detached dual occupancy will comprise three bedrooms, living areas and single garage.

The site currently comprises two individual lots, with separate title. The rear lot, being Lot D in DP 38524 does not have the benefit of independent vehicular access to a public road. The proposal seeks to consolidate the lots, to rectify the access constraints burdening the rear lot, which will provide a total site area of 1045.4m<sup>2</sup>. The consolidated lot size will be typical of the average site area of many lots in the Ku-ring-gai Municipality.

The proposed buildings are to be a mix of brick veneer and rendered brick construction with selected tiles. The design for the existing residence (Unit 1) will provide for a floor area, inclusive of garaging of 241.98m<sup>2</sup>. Proposed Unit 2 will have a floor area, inclusive of the garage, of 157.17m<sup>2</sup>. The area without the garage is 140m<sup>2</sup>.

There is no street front fencing provided as part of this application.

## CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

Three submissions have been received and are summarised below:

D Sifuentes & M I Simoes	40C Eastern Arterial Road, Killara
G Peponis	8 Rosetta Avenue, Killara
F Merewether	4 Rosetta Avenue, Killara

### *Overlooking and loss of privacy (3)*

The neighbouring property owners to the north have raised concerns in regard to the potential overlooking of their dwellings and yard areas, particularly from the new dwelling to the rear of the property.

The location of the dwelling in the rear yard of the subject site will introduce some overlooking of the neighbouring sites. This will, however, be somewhat mitigated by the retention of the existing tree and the requirement of the recommendation of the report to introduce additional screen planting to the perimeter of the site, to be assessed and endorsed by Council's Landscape Development Officer. Additionally, the design of the rear dwelling limits all main living areas to the ground floor. The second storey of the rear dwelling contains only one south-facing window – to a bathroom and two windows have been provided to the northern elevation of the first floor. The rooms facing north at first floor are bedrooms and the degree of privacy loss to the neighbouring properties is not excessive. This issue is not of such significance to warrant refusal of the application.

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***Excessive Floor Space Ratio (3)***

A concern has been raised in regard to the extent of the site coverage and the FSR for the development. Two storey buildings are common in the vicinity and a number of new developments in the area are of a two storey form. The proposal complies with the numerical criteria of SEPP 53 and the site does not exhibit any significant topographical constraints to the construction of the dwelling. As the SEPP 53 legislation over-rides the local planning controls in so far as they are inconsistent with the provisions of the SEPP, it is difficult for Council to sustain a refusal of a proposal that is consistent with the aims and numerical criteria outlined in the SEPP.

The implications of the two storey height in terms of overlooking, overshadowing and position on site have been addressed in the design, with suitable setbacks from the boundaries, articulated facades and wall lines and area being retained for increased screen planting.

The dwelling is not excessively bulky and the overall proposal at a floor space ratio of 0.4:1 is well within the SEPP 53 control of a maximum of 0.5:1. The dwelling size is not significant in its context and a reduction in footprint is not considered to be warranted.

***Excessive site coverage and impact on stormwater drainage (3)***

The built-upon area of the proposal is 48%, which is less than the built-upon area development standard for dwelling-houses of 60%. Council's Development Control Engineer raised no concerns with respect to stormwater, and has recommended conditions in this regard.

**CONSULTATION - WITHIN COUNCIL**

**Urban Design & Heritage Adviser**

*The revised plans address the criticisms in my previous reports. I raise no further objection.*

**Development Control Engineer**

*The revised plans (Issue E) do not differ greatly from those previously referred to Engineering for comment. There are a few conditions that will need to be changed in a minor way. Note that I have also modified the previous conditions slightly to reflect our more current conditions of consent and the latest proposal.*

*In light of my assessment, Engineering issues may be handled by way of the following conditions of consent, subject to your approval of the DA.*

**Comment:**

The conditions recommended by the Development Control Engineer have been included in the recommendation of this report.

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**Landscape Development Officer**

*An inspection of the property was conducted on 7<sup>th</sup> November 2003.*

*This application is not supported for the following reasons:*

1. *There appears to be insufficient space within the site to support 5 additional canopy trees that will attain 13 metres height.*
2. *The landscape plan provides no screening of either residence from surrounding properties.*
3. *Much of the front boundary setback for the front dwelling is to be occupied by driveway space.*
4. *Proposed stormwater lines from the proposed rear dwelling are to be located too close to the trunk of the large healthy mature Angophora costata (Sydney Red Gum) located adjacent to, and towards the rear of the site's southeastern boundary.*

**Comment:**

In relation to the issues raised by the Landscape Development Officer:

1. The Landscape Development Officer has provided a condition requiring the provision of the 5 additional canopy trees on the site to address this issue. There are grassed areas forward of the building line, towards the centre of the site and towards the rear of the site, all of which appear capable of accommodating a total of 5 additional canopy trees. (See Condition No.66)
2. The Landscape Development Officer has provided conditions requiring the provision of screen planting along the northern and southern boundaries, including a 900mm strip adjacent to the southern boundary. The proposed site plans provided some scope for limited landscaping on the northern and southern sides adjacent to boundaries. (See Condition No.s 45 and 64)
3. The extent of hard paved surface in the front setback area is needed to provide a turning area for the garage of the front dwelling, to prevent reversing into Eastern Arterial Road. The proposed handstand is provided with landscape softening within the front setback.
4. The Landscape Development Officer has provided a condition requiring thrust boring of conduits etc in the vicinity of the Sydney Red Gum and another condition to address paving around this tree. (See Condition No.46)

**PROVISIONS OF RELEVANT LEGISLATION**

**The Environmental Planning & Assessment Amendment Act 1979  
Section 79C**

**1. Environmental Planning Instruments**

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- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- State Environmental Planning Policy No. 53 (SEPP 53)

This application requires development consent under SEPP 53.

**State Environmental Planning Policy No. 53**

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

**Clause 3** of the SEPP states that these aims will be achieved by:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*
- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

**Clause 17** of SEPP 53 allows development that results in two dwellings being located on the one allotment of land in any zone that permits a dwelling house to be erected. The application proposes consolidation of the site into one allotment, and this is enforced by way of a condition requiring consolidation prior to the issue of the Construction Certificate. (See Condition No.49) This enables Council to consider the proposal as a development which is permitted with development consent.

**Clause 18** of SEPP 53 permits, with Council's consent, the creation of a dual occupancy development.

**Clauses 19 and 20** specify standards that must be complied with. A summary of compliance is as follows:

Clause	Standard	Proposal	Compliance
Lot size	600sqm	1045.40 sqm	Yes
Floor-space ratio	0.5:1	0.40:1	Yes
Car parking	3 car spaces	4 car spaces	Yes

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Note: As dwelling 1 exceeds 150 sqm, two car spaces are provided for the front dwelling and one for the rear dwelling as it's gross floor area is 140m<sup>2</sup>.

**Clause 31** states that a consent authority cannot approve a development unless it has taken into consideration a Site Analysis prepared in accordance with the SEPP. The documentation submitted with the application, including a Site Analysis, addressing the required components identified in Schedule 5 of SEPP 53, is acceptable in this regard.

**Clause 32** states that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

**a. Streetscape**

Council's Urban Design and Heritage Adviser feels that the proposal is acceptable and given the site's location on a busy portion of Eastern Arterial Road with considerable existing screening from the roadway, the design is acceptable in it's context.

**b. Visual and Acoustic Privacy**

The proposal will provide a relatively private and quiet living environment for the future occupants as well as the adjoining neighbours.

With regard to visual privacy of the adjoining properties, the proposal will have minimal impact due to the nature of the windows directly facing the neighbouring properties. The first floor windows are limited to bedrooms and associated bathrooms. The impact of overlooking on the neighbouring properties is not significant as the primary living areas have been confined to the ground floor level.

**c. Solar Access and Design for Climate**

The two dwellings have reasonable access to the northern sun for the primary living rooms and outdoor living spaces. The revised design takes advantage of the solar opportunities available to the site, with additional north-facing windows included to assist in improving solar access. The aspect and orientation of the dwellings will provide for good amenity for the dwelling's occupants and maintain the existing amenity of the neighbouring property owners.

The west-facing windows can be provided with sun protection in accordance with the conditions recommended in this report.

**d. Stormwater**

All stormwater from built-upon areas associated with the development will be collected and drained to Council's street drainage system, via an on-site detention system. The

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stormwater design will need to have regard for the existing trees, with conditions recommended below to address the excavation for services.

**e. Crime Prevention**

Both dwellings have individual pedestrian and vehicular access from Eastern Arterial Road and the occupants of the dwellings will be able to observe who approaches their dwelling without the need to open the front door.

**f. Accessibility**

Pedestrian and bicycle links are available to local facilities from the subject property. The busy nature of Eastern Arterial Road introduces constraints for on-street parking, however, opportunities exist for parking of vehicles in nearby streets.

**g. Waste Management**

Suitable spaces exist on the property for the storage of waste management containers.

**h. Visual Bulk**

The building form, setbacks and height of the proposed development are reasonably consistent and compatible with surrounding development. The perceived bulk is lessened by the stepping back of first floor level from the boundary lines of the site.

The setbacks proposed for the additions to the dwelling are satisfactory, subject to supplementary screen planting to assist in reducing the visual bulk of the proposal. The location of the site on a busy road, together with design improvements and supplementary screen planting will overcome any significant issues with respect to the streetscape appearance.

**State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)**

There is no evidence to suggest that the site is contaminated and there is no evidence available to link the site to contaminating activities. It would be unreasonable for Council to require the applicant to have a contamination assessment prepared in the absence of clear evidence indicating that there exists contamination on the site.

Conditions could be imposed on the development consent requiring appropriate treatment and disposal of any asbestos or lead based paint materials, which may be uncovered whilst the development is being carried out. (See conditions 20 and 25)

**Ku-ring-gai Planning Scheme Ordinance (KPSO)**

The Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in



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relation to dual occupancy developments, however, the aims and objectives of the Ordinance as outlined in Schedule 9 are applicable to this application.

The proposal substantially satisfies the aims and objectives of Schedule 9 of the KPSO and is reasonable in the circumstances.

The design of the proposal is consistent with the scale of development in the vicinity with a maximum height of 5.5 m (existing dwelling) and 5.2m (proposed dwelling).

Clause 60c (2) of the KPSO generally applies a maximum built upon area of 60%. The proposed built upon area is 48%.

**Development Control Plan 40 – Waste Management**

The site is of a sufficient size and dimensions to accommodate waste storage and recycling facilities associated with the proposed use. In regard to the waste generated from the demolition works and construction activities, appropriate conditions are included in the recommendation of this consent.

**Development Control Plan 43-Carparking**

Development Control Plan No 43 requires the following provisions:

Minimum 1 car space per dwelling under 125 sqm.

Minimum 2 car spaces per dwelling in excess of 125 sqm.

As Dwelling 1 exceeds 150 sqm, two car spaces for the dwelling have been provided. Dwelling 2 has a single garage and a car space, which forms the vehicle turning area. The development complies with the provisions of SEPP 53, however, the development will not meet the requirements of Development Control Plan No 43 – Carparking for each dwelling. This alone is not a sustainable reason for refusal of the application.

**Council's Dual Occupancy Development Control Code – 16 April 2003**

Council has prepared a Development Control Code consistent with the requirements of Section 72 of the Environmental Planning and Assessment Act 1979. The Code is intended to complement the statutory requirements of State Environmental Planning Policy No 53 in relation to dual occupancy development.

As Council has adopted the Development Control Code for Dual Occupancies as of 8 April 2003, this proposal has been assessed against the provisions of this Code. In the case of any inconsistency between this Code and the provisions of State Environmental Planning Policy No 53, the provisions of State Environmental Planning Policy No 53 shall prevail. The aims and objectives of this Code should be read in conjunction with schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

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A summary of compliance against the policy standard is as follows:

Standard	Requirement	Compliance
Streetscape.	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes
Visual character.	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes
Architectural design.	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes – subject to conditions incorporated within report
Roof pitch.	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences.	Consider visual character study, existing fences, and landscape character.	N/A
Visual privacy.	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens courtyard walls.	Yes
Acoustic privacy.	Minimise noise transmission, relationship to major roads.	Yes
Solar access.	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes
Energy efficiency.	Designed to reduce energy use, consider thermal properties of construction materials.	Yes
Watercourses and drainage systems.	Retain ecological integrity. 100 year flood, riparian zone, etc..	Yes
Stormwater disposal.	Site detention, reuses, and effect on vegetation.	Yes
On site detention.	Should be considered.	Yes
Water conservation.	Particular plumbing fittings.	Requires specific conditions.
Rainwater tanks.	Should be considered.	Not proposed.

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Site and building design.	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes
Lighting.	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes
Vehicle access.	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, and safety. Heritage significance, existing trees.	Yes
Car parking.	Numbers, size, location, sympathetic to development.	Yes (see previous comments)
Disabled access.	Travel paths, etc.	Yes
Waste storage facilities.	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes

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<p>Building setbacks.</p>	<p>Regard existing and pattern of street. Setback between occupancies 7 metres. Side and rear to allow for landscaping. Upper level setbacks. Single storey setbacks.</p>	<p>No Side setbacks:</p> <p><b>Northern Boundary</b></p> <p><b>Exist Dwelling</b> Ground Floor 1394 – 2472mm First Floor within roof space</p> <p><b>Unit 2</b> Ground floor – 1800mm First Floor &gt;3m</p> <p><b>Southern Boundary</b></p> <p><b>Exist Dwelling</b> Ground Floor – 4037mm First floor –within roof space</p> <p>Unit 2 Ground floor - 1755 - 2954mm First floor &gt;3m</p> <p>The ground floor setbacks to the north and south elevations are marginally less than the required 2.0m or 3.0m for rear detached dual occupancies. As the walls are articulated and the extent of the first floor level over is relatively well set back from the boundaries, the ground floor setback is reasonable in this instance. The development was designed and the application was lodged prior to Council's adoption of the Code.</p> <p>East elevation: 12.0m West elevation: 4.5m</p>
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Building form.	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes  (See previous planning comments)
Built upon area.	Comply with standard for development.(50% permitted)	Yes (48.3% proposed)
Floor space ratio.	Comply with standard for development.(0.5:1 permitted)	Yes (0.4:1 proposed)
Building height.	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes
Building envelope.	Comply with standard for development	Yes
Cut and fill.	Maximum 1800mm.	Yes
Views.	Protect significant views.	Yes
Private open space.	Comply with standard for development	Yes
Protection of bushland.	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes
Heritage.	Consider heritage impacts both within and outside the site.	Yes
Site and waste management.	Prepare site management plan.	Imposed via condition.
Pollution control.	Comply with Draft DCP No.47	Yes

**2. Likely Impacts**

The proposed development involves the construction of detached dual occupancies on a gently sloping site in an established urban area of Killara. The proposal is unlikely to result in any significant impact upon the environment. The site is not located within an area identified as being environmentally sensitive.

**3. Suitability of The Site**

The land is of a satisfactory shape and size to accommodate the proposed development and to enable the development to integrate well with the surrounding development and to provide a suitable level of amenity for future occupants. Utility services are available to the site and

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there are not any site hazards such as flooding, landslip, etc. The site is suitable for the proposed development.

**4. Any Submissions**

The submissions received have been discussed within this report and appropriate conditions of consent are recommended to address the issues raised where relevant.

**5. Public Interest**

The application proposes a more intensified use of residential serviced land in an established residential area. The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

**6. Section 94**

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development.

**Any other Relevant Matters Considerations Not Already Addressed**

There are no other relevant matters for consideration.

**CONCLUSION**

The proposed dual occupancy is permissible with consent under the provisions of SEPP 53 – Metropolitan Residential Development.

The proposal, subject to recommended conditions, is consistent with the aims objectives and development standards of the Environmental Planning Instruments applying to the dual occupancies.

The proposal is compatible with the bulk and scale of the surrounding dwellings. All the issues raised through the community consultation process have been addressed within the report.

The application has been considered in accordance with the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act 1979. The application is recommended for approval, subject to conditions.

**RECOMMENDATION**

That Development Application No. 1432/02 proposing consolidation of two lots into one then construction of a dual occupancy comprising alterations and additions to an existing dwelling plus construction of a second dwelling at 34 Eastern Arterial Road, Killara, being Lots C in DP 327330 & Lot D in DP 385241, be approved, subject to the following conditions:

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GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1432/02 and Development Application plans prepared by Australian Construction Partners Pty Ltd, reference number GWK 1A11 - Issue E, GWK 1A12 - Issue E, GWK 1A13 – Issue E, GWK 1A14 – Issue E and GWK 1A10-1 - Issue D dated 18 August 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

9. For the purpose of public safety, a sign shall be erected on the site prior to any work

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commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

17. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.



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18. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
19. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
20. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
23. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
24. Adequate precautions shall be taken to ensure the protection of adjoining premises and

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persons therein from damage and injury during the process of demolition.

25. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
26. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
27. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
28. The proposed driveway is to be constructed with a minimum clear width between solid adjacent obstructions (that would prevent opening of vehicle doors) of 2.9 metres to ensure compliance with Australian Standard 2890.1 – 1993 “Off-street car parking”. Provision for a forward egress along the driveway from the rear dwelling and onto Eastern Arterial Road is to be facilitated by way of a suitably designed turning area.
29. The dual occupancy development approved under DA 1432/2002 must be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
30. For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway. The drainage connection shall be made to the street system.
31. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system in Eastern Arterial Road. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe").

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Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe and a minimum cover of 300mm can be provided over the obvert, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.

32. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. **Separate detention systems are to be provided for each residence.** An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

33. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

34. The relocation or adjustment of any utility service facilities are to be carried out by the

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Applicant in accordance with the requirements of the utility authority at no cost to Council.

35. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 *"Traffic Control Devices for Work on Roads"*. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
36. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
37. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

39. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
40. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
41. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to

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the issue of the final Certificate of Compliance

42. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

43. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's southern (side) boundary.	6 metres

44. The paving for the driveway being set back a minimum of 900 mm from the southern boundary behind the building line to provide sufficient space for screen planting between the driveway and the southern side boundary.

45. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's southern (side) boundary.	6 metres

46. On completion of the landscape works including tree and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

47. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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48. Lot C DP 327330 and Lot D DP 385241 shall be consolidated into 1 allotment prior to the issue of the Construction Certificate.
49. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

50. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
51. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
52. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$25,973.53. The amount of the payment shall be in

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accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Killara	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

53. For stormwater retention, provision of a 2000 litre rainwater tank for each residence designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front facade of a dwelling.

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NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

54. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

55. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code (AS3500 part 3.2). These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with



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AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

56. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
57. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

58. Submission, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
59. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for approval with the Construction Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of any related Subdivision Certificate.

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60. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

61. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m <sup>2</sup>

62. To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 50% of the tree and shrub plantings on the landscape plan shall be derived from the Sydney Turpentine/Ironbark Forest assemblage of species (included) as the site is located between 100 and 300 metres from bushland.
63. A plan detailing screen planting of the northern and southern boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 - 4 metres.
64. The property shall support a minimum number of 6 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
65. The 5 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

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66. A cash bond/bank guarantee of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

67. A cash bond/bank guarantee of \$2,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

*Angophora costata* (Sydney Red Gum) / Adjacent to the site's southern (side) boundary.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

68. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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69. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
70. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
71. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's southern (side) boundary.	5 metres

72. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
73. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

74. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
75. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans

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- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

76. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
77. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate.
78. Prior to occupation, the issue of an Occupation Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the

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satisfaction of Council's Development Engineer.

79. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

**BUILDING CONDITIONS**

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

80. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
81. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

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If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

82. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

83. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

84. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
  - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
  - ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

85. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

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Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

86. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.

G Smith  
Team Leader, Gordon  
Ward

M Miocic  
Director  
Environment &  
Regulatory Services

**Attachments:**      **Development Plans (5)**  
                             **Supporting Landscape Plan (2)**  
                             **Location Sketch**



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## DEVELOPMENT APPLICATION

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### *summary sheet*

<b><i>Report title:</i></b>	16 KOOLA AVENUE, KILLARA - DUAL OCCUPANCY COMPRISING THE RETENTION OF THE EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING
<b><i>Ward:</i></b>	Gordon
<b><i>Development Application N°:</i></b>	787/03
<b><i>Subject Land:</i></b>	16 Koola Avenue, Killara
<b><i>Applicant:</i></b>	Philip Hunt
<b><i>Owner:</i></b>	P B and C A Hunt
<b><i>Designer:</i></b>	John Hunt
<b><i>Present Use:</i></b>	Dwelling-house
<b><i>Zoning:</i></b>	Residential B
<b><i>Heritage:</i></b>	No
<b><i>Permissible Under:</i></b>	Ku-ring-gai Planning Scheme Ordinance
<b><i>Council's Policies Applicable:</i></b>	Development Control Plan 40 - Waste Management, Development Control Plan 43 - Car Parking
<b><i>Compliance with Codes/Policies:</i></b>	Yes
<b><i>Government Policies Applicable:</i></b>	State Environmental Planning Policy No. 53, State Environmental Planning Policy No. 55
<b><i>Compliance with Government Policies:</i></b>	Yes
<b><i>Date Lodged:</i></b>	25 June 2003
<b><i>40 Day Period Expired:</i></b>	4 August 2003
<b><i>Proposal:</i></b>	Dual occupancy comprising the retention of the existing dwelling and the construction of a new dwelling
<b><i>RECOMMENDATION:</i></b>	Approval, subject to conditions.

**DEVELOPMENT APPLICATION NO:** 787/03  
**PREMISES:** 16 Koola Avenue Killara  
**PROPOSAL:** Dual occupancy comprising the retention of the existing dwelling and the construction of a new dwelling  
**APPLICANT:** Philip Hunt  
**OWNER:** P B and C A Hunt  
**DESIGNER:** John Hunt

## PURPOSE FOR REPORT

To determine an application for a dual occupancy. Council has resolved that dual occupancy development applications which are recommended for approval are to be determined by Council.

## EXECUTIVE SUMMARY

- Dual occupancy development comprising the retention of the existing dwelling and the construction of a new dwelling. No change is proposed in relation to the existing dwelling.
- No objections have been raised by the other Council Branches.
- No public submissions have been received.
- Recommended for approval, subject to conditions.

## HISTORY

- Development Application lodged 25 June 2003.
- Rural Fire Service raised no objections.
- Applicant requested to address issues raised by Landscape Development Officer, Development Control Engineer and Urban Design & Heritage Adviser.
- Amended plans received 13 October 2003.
- No objections raised to the amended plans.

## THE SITE

Zoning:	Residential B
Visual Character Study Category:	1920 to 1968
Lot Number:	B
DP Number:	365352
Area:	1347m <sup>2</sup>
Side of Street:	Northern
Cross Fall:	To north west
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	12 metres
Integrated Development:	No

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Bush Fire Prone Land:	Yes
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

## SITE DESCRIPTION

The site is located at the intersection of Birdwood Avenue and Koola Avenue, being on the north eastern side of Birdwood Avenue and the north-western side of Koola Avenue. The site currently accommodates a single dwelling-house with outbuildings. The site is registered as Lot B DP 365352, and is known as 16 Koola Avenue Killara. The site has an area of 1347sqm and falls to the north-western boundary at an average gradient of approximately 1 in 20. The northern part of the site is within the Bushfire Prone Vegetation Buffer 100m and 30m. The site is surrounded by low density residential land uses.

## THE PROPOSAL

Is a new front fence part of the proposed development?	No
Is a new swimming pool part of the proposed development?	No

The development application proposes a dual occupancy development comprising the retention of the existing dwelling on the land and the construction of a new dwelling on the northern, rear, part of the site. The proposed dwelling will have two storeys with four bedrooms all at the first floor level. The existing dwelling will retain frontage to Koola Avenue and Birdwood Avenue, whereas the proposed dwelling will have frontage to Birdwood Avenue only.

The existing dwelling gains vehicular access from Birdwood Avenue and no change is proposed in this regard. The proposed dwelling will also gain access to Birdwood Avenue but approximately 18.5m further to the north-east than the existing driveway to the site.

## CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application.

No comments or objections were received.

## CONSULTATION - WITHIN COUNCIL

### Landscape Development Officer

*The amended plans have addressed my previous concerns, except for the stormwater detention tank. I do not know if this has been located under the driveway or not. If it has this is ideal. The building has been relocated 1 metre toward the eastern boundary and Trees 15 and 16 (10 and 11 on landscape plan) have been retained for now.*

The Landscape Development Officer has recommended conditions.

## Development Control Engineer

*The following matters are resolved as follows.*

- (a) Amendments re vehicles manoeuvring : Satisfactory amendments have been made.*
- (b) Traffic section concurrence : The Traffic section do not wish to comment*

*The Development Engineers concurs with the proposal.*

*The proposal is for a dual occupancy development.*

*The existing dwelling is to be retained and one new dwelling is to be constructed, as a detached dual occupancy.*

*The land drains to the street, with the increased stormwater runoff being dealt with by the construction of a proposed stormwater detention system for each of the two dwellings.*

*The applicant will be conditioned to provide a “first flush” water quality treatment system as per Council’s normal procedure.*

*The increase in traffic resulting from the development will be satisfactorily handled by the existing public road. However the application is to be amended in order to show a turning area in front of the proposed dining room, so as to enable all vehicles to enter and exit the site in a forward direction. The application is located on a busy road frontage. Therefore the concurrence of The Traffic section must be obtained for the new crossing prior to the engineering conditions being used.*

*The development will place additional pressure on the existing footpath, which only extends along one frontage. Council would not normally require a new section of footpath in isolation, however as the footpath is adjacent, it is appropriate to require the applicant to extend the footpath along Birdwood Ave. This will bring the footpath up to current acceptable standards.*

*The applicant has not provided engineering plans for drainage but adequate space and slope exists to fit two appropriate OSD systems onto the proposal. This detail can be resolved at the Construction Certificate stage.*

*There are no engineering objections to the proposal.*

*The engineering works to be constructed in relation to this development are: -*

- 1) On Site Detention for both the existing house and the new house.*
- 2) Drainage from the development to be connected to the street drainage.*
- 3) First flush stormwater system.*
- 4) Construction of a new crossing.*
- 5) Removal of any redundant footway and kerb crossings.*
- 6) Internal Accessway and manoeuvring area sufficient to enable vehicles to enter and exit the*

*site in a forward direction.'*

- 7) *Trim footway in Birdwood Ave, so that it is not undulating.*
- 8) *Extend the concrete footpath, (1.2m wide), along the full frontage of Birdwood Ave.*
- 9) *Fill hollows in the grassed area adjacent to the footway crossing in Koola Ave.*

The Development Control Engineer has recommended conditions.

### **Urban Design & Heritage Adviser**

*The eaves have been changed as suggested and I raise no further objection.*

## **CONSULTATION – EXTERNAL AUTHORITIES**

### **NSW Rural Fire Service**

The NSW Rural Fire Service raised no objection to the development, subject to conditions recommended by that authority. (See Conditions Nos 17, 18 & 19).

## **PROVISIONS OF RELEVANT LEGISLATION**

### **The Environmental Planning & Assessment Amendment Act 1979 Section 79C**

#### **1. Environmental Planning Instruments**

- Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- State Environmental Planning Policy No 53 (SEPP 53)
- State Environmental Planning Policy No 55 (SEPP 55)

This application requires development consent under SEPP 53.

#### **State Environmental Planning Policy No 53**

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

**Clause 3** of the SEPP states that these aims will be achieved by:

- (a) *by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted*

- development strategies, and*
- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
  - (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

**Clause 17** states that the relevant part of SEPP 53 allows development that results in two dwellings being located on the one allotment of land in any zone that permits a dwelling house to be erected. The site comprises only one allotment and the development is permissible.

**Clause 18** of SEPP 53 permits, with Council's consent, the creation of a dual occupancy development.

**Clauses 19 and 20** specify standards that must be complied with. A summary of compliance is as follows:

Clause	Standard	Proposal	Compliance
Lot size	600sqm	1347sqm	Yes
Floor-space ratio	0.5:1	0.38:1	Yes
Car parking	2 car spaces each	2 car spaces each	Yes

**Clause 31** states that a consent authority cannot approve a development unless it has taken into consideration a Site Analysis prepared in accordance with the SEPP. The documentation submitted with the application, including a Site Analysis Plan and written documentation, is pursuant to the requirements set out in Schedule 5 of SEPP 53 and is acceptable.

**Clause 32** states that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

**a. Streetscape**

Council's Urban Design & Heritage Adviser recommended design amendments, which the applicant provided. The proposed development will not be inconsistent in the streetscape, and will positively contribute to the existing streetscape. There are no heritage issues associated with this site.

**b. Visual and Acoustic Privacy**

The proposal will provide a relatively private and quiet living environment for the future occupants without significantly impacting upon the adjoining neighbours. The proposed development ensures that main living areas are located at the ground floor level, not the first floor level.

The proposed dwelling is not located close to any other dwellings on that side of Birdwood Avenue given the subdivision pattern. The adjoining dwelling to the north is set well back from Birdwood Avenue and the existing dwelling to the east is located closer to Koola Avenue with an intervening garage. Visual and acoustic privacy impacts will not be significant to neighbours. Given that the site is located on an existing county road, the proposed dwelling is likely to be subjected to traffic noise.

The proposed dwelling will be located in close proximity to an existing county road (Birdwood Avenue). Consequently, Condition No 45 is recommended requiring that the proposed dwelling is to be designed to achieve the acceptable noise levels established in accordance with Australian Standards AS 2107-1987 (Acoustics) and AS 3671 (Traffic Noise Intrusion). The condition also requires documentation to be submitted prior to the issue of the Construction Certificate demonstrating compliance with the requirements of this condition.

**c. Solar Access and Design for Climate**

The proposed dwelling has an open northerly aspect to ensure adequate daylight to the main living areas. The proposed private open space areas have an open northerly aspect to ensure adequate sunlight to substantial areas of private open space. The proposed development will not cause any overshadowing of adjoining properties, given that the adjoining land to the south is the road reserve.

**d. Stormwater**

All stormwater from built-upon areas associated with the development will be collected and drained to Council's street drainage system, via an on-site detention system. The stormwater design will need to have regard for the existing trees that are required to be retained.

**e. Crime Prevention**

Both dwellings have individual pedestrian and vehicular access to a street frontage and the occupants of the dwellings will be able to observe who approaches their dwelling without the need to open the front door. No change is proposed in this regard in relation to the existing dwelling.

**f. Accessibility**

Pedestrian and bicycle links are available to local facilities from the subject property. The busy nature of Birdwood Avenue and Koola Avenue introduces constraints for on-street parking, however, opportunities exist for parking of vehicles in nearby streets.

**g. Waste Management**

Suitable spaces exist on the property for the storage of waste management containers.

**h. Visual Bulk**

The building form, setbacks and height of the proposed development are reasonably consistent and compatible with surrounding development. The setbacks proposed for the additions to the proposed dwelling are satisfactory, subject to supplementary planting for landscape softening as indicated on the Landscape Plan. The location of the site on a busy road, together with design improvements plus existing and proposed planting will overcome any significant issues with respect to the streetscape appearance.

**State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)**

There is no evidence to suggest that the site is contaminated and there is no evidence available to link the site to contaminating activities. It would be unreasonable for Council to require the applicant to have a contamination assessment prepared in the absence of clear evidence indicating that there exists contamination on the site.

**Ku-ring-gai Planning Scheme Ordinance (KPSO)**

The Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in relation to dual occupancy developments, however, the aims and objectives of the Ordinance as outlined in Schedule 9 are applicable to this application.

The proposal substantially satisfies the aims and objectives of Schedule 9 of the KPSO and is reasonable in the circumstances.

The design of the proposal is consistent with the scale of development in the vicinity with a maximum height for the proposed dwelling of 5.8m.

Clause 60C(2) of the KPSO generally applies a maximum built upon area of 60%. The proposed built upon area is approximately 40%.

**Development Control Plan 40 – Waste Management**

The site is of a sufficient size and dimensions to accommodate waste storage and recycling facilities associated with the proposed use. In regard to the waste generated from the demolition works and construction activities, appropriate conditions are included in the recommendation of this consent.

**Development Control Plan 43-Carparking**

Development Control Plan No 43 requires the following provisions:

Minimum 1 car space per dwelling under 125 sqm.

Minimum 2 car spaces per dwelling in excess of 125 sqm.



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The proposed dwelling exceeds 125sqm and two car parking spaces in the form of a double garage are provided as required. No change is proposed in relation to the existing dwelling to be retained, which has a garage under the house.

### **Council's Dual Occupancy Development Control Code – 16 April 2003**

Council has prepared a Development Control Code consistent with the requirements of Section 72 of the Environmental Planning and Assessment Act 1979. The Code is intended to complement the statutory requirements of State Environmental Planning Policy No 53 in relation to dual occupancy development.

In the case of any inconsistency between this Code and the provisions of State Environmental Planning Policy No 53, the provisions of State Environmental Planning Policy No 53 shall prevail. The aims and objectives of this Code should be read in conjunction with schedule 9 of the KPSO, "Aims and Objectives for Residential Zones".

A summary of compliance against the Code criteria is as follows:

<b>Standard</b>	<b>Requirement</b>	<b>Compliance</b>
Streetscape.	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes
Visual character.	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes
Architectural design.	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes
Roof pitch.	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences.	Consider visual character study, existing fences, and landscape character.	N/A
Visual privacy.	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens courtyard walls.	Yes
Acoustic privacy.	Minimise noise transmission, relationship to major roads.	Yes - <b>Condition 45</b> recommended.
Solar access.	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes

Energy efficiency.	Designed to reduce energy use, consider thermal properties of construction materials.	Yes
Watercourses and drainage systems.	Retain ecological integrity. 100 year flood, riparian zone, etc.	Yes
Stormwater disposal.	Site detention, reuses, and effect on vegetation.	Yes
On site detention.	Should be considered.	Yes
Water conservation.	Particular plumbing fittings.	Requires specific conditions.
Rainwater tanks.	Should be considered.	Not proposed.
Site and building design.	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes
Lighting.	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Yes
Vehicle access.	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, and safety. Heritage significance, existing trees.	Yes
Car parking.	Numbers, size, location, sympathetic to development.	Yes (see previous comments)
Disabled access.	Travel paths, etc.	Yes
Waste storage facilities.	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes

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Building setbacks.	Regard existing and pattern of street. Setback between occupancies 7 metres. Side and rear to allow for landscaping. Upper level setbacks. Single storey setbacks.	No. No change proposed for existing dwelling. For proposed dwelling: Front setback – requirement is 5m minimum for 50% front elevation, proposal has 60% of front elevation at 5m. Minor non-compliance acceptable. Remainder of front elevation complies with 7m requirement. Side and rear setback – single storey component required to be set back 2.16m from side boundary, 2m proposed. Minor non-compliance acceptable. Two storey component required to be set back 2.9m, 6.6m side and 3.3m rear setbacks proposed and comply.
Building form.	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes
Built upon area.	Comply with standard for development.(50% permitted)	Yes (approx. 40% proposed)
Floor space ratio.	Comply with standard for development.(0.5:1 permitted)	Yes (0.38:1 proposed)
Building height.	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes
Building envelope.	Comply with standard for development	Yes
Cut and fill.	Maximum 1800mm.	Yes
Views.	Protect significant views.	Yes
Private open space.	Comply with standard for development	Yes

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Protection of bushland.	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes
Heritage.	Consider heritage impacts both within and outside the site.	Yes
Site and waste management.	Prepare site management plan.	Imposed via condition.
Pollution control.	Comply with Draft DCP No.47	Yes

## 2. Likely Impacts

The proposed development involves the construction of detached dual occupancies on a gently sloping site in an established urban area of Killara. The proposal is unlikely to result in any significant impact upon the environment. The site is not located within an area identified as being environmentally sensitive.

## 3. Suitability of The Site

The land is of a satisfactory shape and size to accommodate the proposed development and to enable the development to integrate well with the surrounding development and to provide a suitable level of amenity for future occupants. Utility services are available to the site and there are not any site hazards such as flooding, landslip, etc. The site is suitable for the proposed development.

## 4. Any Submissions

No public objections have been received.

## 5. Public Interest

The application proposes a more intensified use of residential serviced land in an established residential area. The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

## 6. Section 94

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development.

## Any other Relevant Matters Considerations Not Already Addressed

There are no other relevant matters for consideration.

## CONCLUSION

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The proposed dual occupancy is permissible with consent under the provisions of SEPP 53 - Metropolitan Residential Development.

The proposal, subject to recommended conditions, is consistent with the aims objectives and development standards of the Environmental Planning Instruments applying to dual occupancies.

The proposal is compatible with the bulk and scale of the surrounding dwellings.

The application has been considered in accordance with the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act 1979. The application is recommended for approval, subject to conditions.

## RECOMMENDATION

That Development Application No 787/03 for a dual occupancy the retention of the existing dwelling and the construction of a new dwelling, being Lot B DP 365352 (No. 16) Koola Avenue, Killara, be approved, subject to the following conditions:

### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1432/02 and Development Application plans prepared by Mepstead & Associates, reference number SA 01/B, Drawing No. 3500SUB1 – Sheets 1 and 2 of 2, dated revision dated 22 and 28 September, 2003 and lodged with Council on 13 October, 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during

building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. If the work involved in the erection or demolition of a building:

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- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

17. Construction should comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas'.
18. Inclusion of 'leafless guttering' or other mechanical means to be installed on the structure to prevent the build up of flammable material within the gutters. The gutter guard should also enable access to the gutter downpipe for the fitting of a gutter plug in the event of potential fire overrun.
19. The entire property shall be managed as an inner protection area as outlined within Planning for Bush fire Protection 2001.
20. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

21. Landscape works shall be carried out in accordance with Landscape Drawing No LP-01/C prepared by Andrew K Lane and dated 8 November 2003 submitted with the Development Application, except as amended by the following:
  - no ground level changes are permitted on the north western side of the building because of the presence of existing trees.
22. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.

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23. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

24. No tree roots of 50mm or greater in diameter located within the specified radius of the trunks of the following, trees shall be severed or injured in the process of any site works during the construction period. (Tree numbers relate to the arborist's report for this and following conditions)

Tree/Location	Radius From Trunk
Tree 9 - <i>Lophostemon confertus</i> (Brushbox)	4.5m
Tree 12 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5m
Tree 13 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5.5m

25. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
Tree 9 - <i>Lophostemon confertus</i> (Brushbox)	4.5m
Tree 12 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5m
Tree 13 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5.5m

26. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
Tree 19 <i>Eucalyptus scoparia</i> (Willow Gum)/ Nature strip adjacent to driveway	5m

27. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
28. For stormwater control the accessway directly in front of the garages should be graded away from the door and towards an escape route. It is to be configured so that overland flow, off the accessway does not flow towards the garage door.
29. For stormwater control all paved areas are to be drained to the main drainage system.
30. For stormwater control, (where the grade of the driveway slopes towards the footway), a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface



water from the driveway. The drainage line shall be connected to the main drainage system.

31. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system. Drainage crossings of the footway area shall be a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
32. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual.

OSD systems are to be provided for both the existing and the new residence.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

33. The stormwater line in the footway area, from the boundary pit to the kerb and gutter, shall be

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by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections.

Stormwater drainage lines in the footway, are only permitted in uPVC pipe, from the point where the obvert of the subject pipe, has more than 300mm of cover to the finished ground level. The sections of the pipe laid deeper than 300mm, can be laid in uPVC sewer grade pipe.

In the drainage line across the footway, where (1) a bend is placed, or (2) where the pipe changes from a uPVC pipe to a RHS, a cleaning eye shall be provided directly upstream of the subject location.

34. Due to the location of the development site, the Applicant shall produce a Traffic Control Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998), addressing all or the following matters where relevant:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, trades person and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools or full time where located near shopping centres.

RTA Concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where located on an arterial road or where parking restrictions are proposed prior to submission with Council.

Stages

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- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the above mentioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

35. Vehicular crossing to be a minimum of 3.7 meters wide in accordance with Council's Specification.
36. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the effected services.
37. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
38. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
39. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
40. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

41. The Long Service Levy is to be paid to Council in accordance with the provisions of Section

34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

42. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
43. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
44. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

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1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Killara	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

45. The proposed dwelling shall be designed to achieve the acceptable noise levels established in accordance with Australian Standards AS 2107-1987 (Acoustics) and AS 3671 (Traffic Noise Intrusion). Documentation shall be submitted prior to the issue of the Construction Certificate demonstrating compliance with the requirements of this condition.

46. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

47. A cash bond/bank guarantee of \$2000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

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It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

48. A cash bond/bank guarantee of \$6000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Tree 9 - <i>Lophostemon confertus</i> (Brushbox)	\$2000
Tree 12 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	\$2000
Tree 13 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	\$2000

49. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

50. To preserve the following tree/s, footings of the proposed North Western wall of the new dwelling shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
Tree 9 - <i>Lophostemon confertus</i> (Brushbox)	4.5m
Tree 12 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5m
Tree 13 - <i>Corymbia citriodora</i> (Lemon Scented Gum)	5.5m

51. In the Engineering design, the following issues are to be addressed prior to the issue of the

Construction Certificate:

- i) Concrete footpath, 1.2m wide, is to be provided along the full frontage of Birdwood Ave.
- ii) A maneuvering area is to be provided sufficient to enable vehicles to enter and exit the site in a forward direction.
- iii) On Site Detention for both the existing house and the new house.
- iv) Provision of a sealed Internal Accessway and maneuvering area sufficient to enable vehicles to enter and exit the site in a forward direction.'
- v) Trim footway in Birdwood Ave, so that it is not undulating.
- vi) Extend the concrete footpath, (1.2m wide), along the full frontage of Birdwood Ave.
- vii) Fill hollows in the grassed area adjacent to the footway crossing in Koola Ave.
- viii) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- ix) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- x) A boundary pit is to be provided at the point where the drainage line/s cross the front property boundary.
- xi) The stormwater outlet to the street from the Boundary pit to be by way of hot dipped galvanised steel section, of appropriate dimensions, except for that part of the line where the obvert of the pipe is deeper than 300mm.
- xii) Earth mounding will not be acceptable as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- xiii) Where OSD storage is by way of underground storage,
  - a) Inflow pipes to the storage chamber are to be located below inspection grates.
  - b) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.
- xiv) Drainage design details are to be compatible with the landscaping plans.
- xv) Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the Council Landscape Officer's approval, can the Construction Certificate be issued.
- xvi) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

52. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater

runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

- NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.
- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

**OR**

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the



adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

53. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.

54. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be

safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

55. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

56. For any new crossing or driveway works adjacent to the boundary the following will apply.

**DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

57. The applicant is to provide Plans with the Construction Certificate application from a suitably qualified and experienced engineer, detailing the configuration of the footway and footpath crossings. These works are to be configured to comply with:
- i) Trim footway in Birdwood Ave, so that it is not undulating or uneven.
  - ii) Extend the concrete footpath, (1.2m wide), along the full frontage of Birdwood Ave.
  - iii) Fill hollows in the grassed area adjacent to the footway crossing in Koola Ave.
58. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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59. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
60. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
61. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
62. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

**Application must be made through an authorised Sydney Water Coordinator, for details see Sydney Water web-site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

63. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Tree 16 *Araucaria heterophylla* (Norfolk Island Pine)

Adjacent to street boundary

64. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. A 75mm layer of woodchip mulch shall be installed to the full extent of the Tree Protection Zone of all trees to be retained. Mulch shall be installed and spread by hand to avoid soil disturbance and compaction within the root zone. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
Tree 8 - <i>Jacaranda mimosifolia</i> (Jacaranda) Northern corner of site	2 metres
Tree 15 - <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to street boundary	3 metres
Tree 9 - <i>Lophostemon confertus</i> (Brushbox) Tree 12 - <i>Corymbia citriodora</i> (Lemon Scented Gum) Tree 13 - <i>Corymbia citriodora</i> (Lemon Scented Gum) Adjacent to the north western boundary	Locate fence 5 metres inside north western boundary from Tree 8 fence to fence of Tree 15
Tree 19 - <i>Eucalyptus scoparia</i> (Willow Gum) Nature strip	Fence along the south eastern side of the new driveway

65. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
66. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

67. Construction of the footpath works in Birdwood Ave in accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer prior to:
- Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
  - Longitudinal section showing existing ground levels and proposed invert levels.
  - Means to preserve the root systems of trees within seven (7) metres of the drainage

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system.

- d. New pipes are to be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.
- e. Driveways and Power poles are to be shown.
- f. Any footway crossings that are to be crossed are to be either (a) bored under or (b) cut and then the full crossing is to be completely reinstated.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

The works are to include:

- a) Trim footway in Birdwood Ave, so that it is not undulating.
- b) Extend the concrete footpath, (1.2m wide), along the full frontage of Birdwood Ave.
- c) Fill hollows in the grassed area adjacent to the footway crossing in Koola Ave.

68. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

69. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- Invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)
- Extent of the new concrete footpath, along the full frontage of Birdwood Ave.

70. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
71. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
72. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for the OSD system. The responsibility includes (a) maintenance, (b) upkeep and (c) replacement of the OSD system if it deteriorates to be unserviceable after a time.

73. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.

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74. The dual occupancy development approved under this determination is to be completed to “lock-up” stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.

BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

75. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Wet area waterproofing details complying with the Building Code of Australia.
  - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - f. Retaining walls and associated drainage.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
76. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

77. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
78. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

79. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

80. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving



physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

G Smith  
Team Leader, Gordon Ward

M Miocic  
Director  
Environment & Regulatory Services

**Attachments:**      **Location Sketch**  
                             **Development Plans**  
                             **Landscape Plan**  
                             **Shadow Diagram**

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## 275 MONA VALE ROAD, ST IVES - SUPPLEMENTARY REPORT

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### SUPPLEMENTARY REPORT

<b>PURPOSE OF REPORT:</b>	To address matters raised at the site inspection of 13 December 2003 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP5 development.
<b>BACKGROUND:</b>	<p>Council at its meeting of 9 December 2003 deferred consideration of the application pending a site inspection.</p> <p>A site inspection occurred on 13 December 2003.</p>
<b>COMMENTS:</b>	The matters raised at the site inspection are addressed in this report.
<b>RECOMMENDATION:</b>	That the additional information be noted, and that the application be approved, subject to conditions.

## PURPOSE OF REPORT

1. To address matters raised at the site inspection of 13 December 2003.
2. For Council to determine a Development Application for the demolition of existing structures and construction of a SEPP 5 development.

## BACKGROUND

An assessment report was prepared and considered by Council on 9 December 20003 where Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday, 13 December 2003. The following matters were raised at the site inspection and are addressed accordingly:

### **1. Has a SEPP 1 objection been lodged for the internal garbage collection?**

The applicant has lodged a SEPP 1 objection to the development standards in Clause 13A(21) of SEPP 5, which requires the provision of an outside garbage storage area that is accessible, as follows:

*“This objection is made pursuant to the provisions of Clause 6 of SEPP No.1. In this regard it is requested that Council support a variation to the development standard as provided by Clause 13A(21) of SEPP No. 5.*

### ***Is the control to be varied a development standard?***

*Clause 13A(21) provides that a consent authority must not consent to a development application unless it complies with the standards as specified in this Clause.*

*Clause 13A (21) provides,*

*“Garbage — An outside garbage storage area must be provided in an accessible location.”*

*The application proposes the provision of a garbage storage area within the front setback. A condition of consent is recommended by Council requiring the relocation of the garbage area to the basement, My client is in agreement with this condition.*

*I am of the view that the application as amended satisfies this requirement in that the location of a garbage store within the basement is outside the proposed domiciles and is also accessible.*

*Notwithstanding my position in this matter, I have submitted an objection under SEPP No 1 as requested by Council.*

### ***What is the underlying objective or purpose of the development standard?***

*The objectives of the garbage standard under Clause 13(19) of SEPP No. 5 are not expressed but are assumed to be:*

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- a. *To ensure good design and a design that is compatible with residential development in the locality;*
- b. *To ensure that the garbage storage area is located outside the residential area of the development in a convenient and accessible location*
- c. *The avoid multiple garbage collection points in highly visible areas.*
- d. *To protect the health and amenity of occupants of the development.*
- e. *To be located to provide effective collection of waste receptacles.*

***Is compliance with the development standard consistent with the aim of SEPP No 1?***

*The aim of SEPP No.1 is to:*

*Provide flexibility In the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.*

*In this regard the objects of Section 5(a)(i) and (ii) of the Act are:*

- (i) *The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
- (ii) *The promotion and co-ordination of the orderly and economic use and development of land;*

*In this regard it is considered that the proposal is consistent with the aim of SEPP No1,*

***Why compliance with the Standard is unreasonable and unnecessary in the circumstances?***

- \* *The proposal meets the objectives of the SEPP as the storage of the bins within the basement will not materially impact upon development on adjoining properties or the street.*
- \* *The proposed garbage room is provided in the basement level which is accessible by a continuous path of travel via a lift servicing 8 units. The garbage room is in an accessible location.*
- \* *The location of the garbage storage area is consistent with accepted practice.*
- \* *The location of the garbage storage area within the basement is accessible by Council 5m long waste collection area with adequate clearance and manoeuvring being provided within the basement.*

***Conclusion***

*It is submitted that it would be both unreasonable and unnecessary for strict compliance with this standard to be required in this case for the abovementioned reasons. The garbage storage area is*

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*located in a convenient and accessible location. Therefore it is respectfully requested that the Council support the variation of the development standard."*

Whilst there are no objectives for this standard in SEPP 5, it is considered that its purpose is to ensure the provision of garbage storage occurs in a manner that affords easy access to all residents of the development. The proposed location as shown on the amended basement plan (which is an attachment to this report) does so and also allows for access without leaving the building, thereby enabling easier access for potentially frail or disabled persons without exposure to the weather in inclement conditions. As such, the SEPP 1 objection is considered to be well founded and is supported as it has demonstrated that strict application of the standard is unreasonable and unnecessary in this instance.

Council's Development Control Engineer has recommended through Condition No 47 that, in order to allow unrestricted off street access by Council's waste collection vehicles to the site, garbage facilities, (no doors or gates) are to be provided in the driveway which would block access to this location. Consequently, conditions numbered 36 and 74, requiring a person employed by the body corporate to provide access for the waste collection vehicle to the basement area, are to be deleted.

**2. *Amended plans will be submitted on 15 December which will indicate the changes to the basement area.***

Amended plans were submitted on 15 December 2003 revising the basement and ground floor areas. The plans indicate the revised location of the garbage receptacle area within the building and the curved driveway to suit the revised landscape plan. The revised plans are attachments to this report.

**3. *Investigate the adequacy of the proposed landscape screen along the south-eastern boundary***

Council's Landscape Development Officer has advised that, in order to ensure adequate landscape screening in the south-eastern corner of the site, the last point of Condition No 91 should be amended to read as follows:

*Use of super advanced screening shrubs, which can attain at least 4 metres in height along the front boundary, the southern boundary at its eastern end, for a length of at least 9 metres, and the eastern boundary at its southern end for a length of at least 9 metres. Condition 91 has been amended accordingly.*

**4. *The recycling of the stonework on the site should be conditioned.***

This is acknowledged and Condition No 31 has been amended as follows:

*All demolition materials of value, including the stonework located on-site, shall be separated and made available for re-cycling.*

**5. *The recommendation of an acoustic engineer should be adhered to in the design and construction of the southern boundary fence.***

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This is accommodated by amending the first dot point of Condition No 69, to require that the construction of the wall be in accordance with the acoustic engineer's recommendation as required in Condition No 70.

**6. *Terracing and landscaping of driveway cutting to be investigated/conditioned***

Terracing to allow for landscaping of the driveway cutting for a length of 7 metres from the western end of the cut along the northern and southern sides of the driveway would soften the appearance of the cut. Condition No 69 has been amended to include the above terracing and landscaping along the driveway.

**7. *Investigate whether 15% of deep soil landscaped area is provided at the rear of the site.***

15% of the average length of the site by the width of the site is an area of 288m<sup>2</sup>. A total area of 323.74m<sup>2</sup> is provided for deep soil landscaped area, located at the rear of the site which is in excess of 15%.

**8. *Whether the conditional privacy screens to the balcony located at the south-eastern corner of the site are adequate.***

The eye level of a person standing on the first floor level balcony of unit 8 is approximately 2.6 metres above the existing ground level at that location of the site. Consequently, the 1.6 metres high privacy screens together with the plant screening to a height of 4 metres will preserve the privacy of the neighbours and future occupants of the development.

The 1.6 metres high privacy screens required by Condition No 71 and the 4 metres high plant screening required by Condition No 91 will be adequate.

## **RECOMMENDATION**

That Development Application No 949/03 for the demolition of existing structures and construction of a SEPP 5 development consisting of eight (8) units and basement car parking for Part Lot R in DP 370422, 275 Mona Vale Road, St Ives be approved for a period of 2 years, subject to the following conditions:

### **GENERAL**

1. The development to be in accordance with Development Application No 949/03 and Development Application plans prepared by Barry Rush & Associates, reference number DA3, 4, 5, 7, 10 & 11, dated 23 and 24 June 2003 and lodged with Council on 29 July 2003 and DA1A and 2A dated 11 December 2003 and lodged with Council on 15 December 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these

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plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

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13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.



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20. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
21. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
22. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

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27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
29. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
30. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
31. All demolition materials of value, including the stonework located on-site shall be separated and made available for re-cycling.
32. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
  - a. People 55 or over or people who have a disability;
  - b. People who live with people 55 or over or people who have a disability;
  - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
33. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
34. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
35. Deleted.
36. An accredited traffic control person shall provide assistance to heavy vehicles entering and leaving the site and pedestrians during excavation, demolition and construction works.

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37. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the main stormwater drainage system. A pumpout system is to be provided in the basement.
38. For stormwater control all paved areas are to be drained via the main drainage system.
39. Stormwater runoff from all hard surfaces, or landscaped areas that are not at natural ground level, shall be piped directly to the street drainage system in Mona Vale Road via the site On-Site Detention system. The discharge control pit outlet from the site On-Site Detention system shall be above the hydraulic grade line of the in-ground system to which connection is proposed, when operating at capacity. This is to prevent backflow from the trunk drainage system.
40. A contractor with specialist excavation experience must undertake the excavations on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure.
41. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with storage and discharge factors in Council's Stormwater Management Manual, and generally in accordance with the preliminary drainage plans by Whipps and Wood, drawings H01 to H04, dated 17/07/03. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location. The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

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42. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
43. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
44. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried out when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
45. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
46. In order to allow unrestricted off-street access by Council's waste collection vehicles to the site garbage facilities, no doors or gates are to be provided in the driveway which would block access to this location.
47. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
48. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking" and the provisions of SEPP 5 parking requirements. The driveway and circulation aisles must accommodate two-way traffic.
49. Disposal of silted or contaminated site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) to Council's stormwater system is not permitted. The Applicant is advised to contact Council's environmental officer prior to discharge.

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50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
51. The proposed driveway is to be a “Category I” driveway with a minimum width of 6 metres for a distance of 6 metres from the frontage roadway. splaying out to 8 metres at the kerb line of Mona Vale Road in accordance with AS 2890.1-1993.
52. The design and construction of the gutter crossing in Mona Vale Road shall be in accordance with RTA requirements. A detail of this requirement is to be obtained from RTA’s Project Services Manager, Traffic Projects Sections Blacktown (Ph 02 8814 2144).
53. If not in place full time “No Stopping” parking restriction is to be installed along the Mona Vale Road frontage of the subject site prior to commencement of any works. Prior to the installation of “No Stopping” parking restriction the applicant is to contact RTAs Traffic Services Section on Phone; (02) 8814 2331 for “Works Instruction”
54. All works, associated with the proposed development, shall be at no cost to the RTA.
55. The proposed development should be designed such that, road traffic noise from Mona Vale Road is mitigated by durable materials, in accordance with EPA criteria for new land use developments (‘The Environmental Criteria for Road Traffic Noise, May 1999’). The RTA’s Environmental Noise Management manual provides practical advice in selecting noise mitigation treatments.

Where the EPA external noise criteria would not practically or reasonably be met, the RTA recommends that Council apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia:

- All habitable rooms other than sleeping rooms: 45 dB (A) Leq (1 Shr) and 40 dB (A) Leq(9hr); and
- Sleeping rooms: 35 dB (A) Leq(9hr)

The cost of noise attenuation measures shall be at no cost to the RTA.

56. Any redundant driveway along Mona Vale Road is to be removed and replaced with Kerb and gutter (Type SA) to match existing.
57. The layout of the carpark associated with the proposed development including, ramp grade, turn path, sight distance, aisle width and parking bay dimension, is to be in accordance with AS 2890.1-1993.

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58. All vehicles should be able to enter and leave the subject site in a forward direction.
59. Stormwater run-off from the subject site onto Mona Vale Road, as a result of the proposed development is not to exceed the existing level of run-off from the subject site.
60. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

61. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
62. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
63. A qualified arborist shall be present whenever any excavation works (bulk excavation, trenching for services etc) is undertaken on the site near existing trees ie. beneath the canopy or drip line of existing trees to be retained. Excavation shall be carried out in accordance with other conditions in this consent and any remedial works required to ensure the long term health and stability of existing trees as a result of excavation works shall be carried out by the arborist.
64. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
Tree 50 - <i>Nageia falcata</i> (Outeniqua Yellow Wood)/ Front garden	9m
Line of Lilly Pillies in the adjoining property at the rear Trees 29-35	4m

65. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

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Tree/Location

Tree 50 - *Nageia falcata* (Outeniqua Yellow Wood)/Front garden

66. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
67. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
68. Transplanting of any trees/shrubs at the site shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

69. The plans shall be amended to indicate the following:
  - Extension of the boundary wall along the whole length of the southern boundary. The wall should be stepped in height upon its approach to the front boundary to match the height of the wall along this boundary, being 1.8m. The construction of the wall being in accordance with the acoustic engineers recommendation as required in Condition No 70.
  - The waste management facility is to be designed in accordance with Council's DCP 40 and have sufficient space for the quantity of waste generated and to promote source separation of materials (eg recyclables).
  - The garbage collection area shall allow a Council truck to enter the site, access the garbage collection area and leave the site in a forward direction.
  - Deletion of the external garbage storage area and provision of soft landscaping including large shrubs or trees capable of attaining a height of between 2-4m at maturity along the front boundary. The soft landscaping shall form part of the common property.
  - Protrusion of the lobby entrances further south by 1m.
  - Provision of adjustable louvres or awning to east facing window.
  - Relocation of the driveway in the position indicated on the master landscape plan submitted to Council on 27 November 2003 and prepared by Peter Glass & Associates.

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- Provision of cement rendering to the upper or lower level of the side elevations of the building.
- Relocation of the rear retaining wall 4.0m from the rear boundary.
- The driveway cutting to the basement carpark being terraced for landscaping and for a length of 7 metres from the western end along the northern and southern sides of the driveway to soften the appearance of the cut.

Details shall be submitted to the satisfaction of Council prior to the issue of a construction certificate.

70. An Acoustic report shall be prepared by a suitably qualified person in regard to the entrance to the basement garage and the acoustic output of vehicles and the roller door on the amenity of the southern adjoining property. The report shall detail the likely acoustic output and the recommended treatment to ensure there is no adverse acoustic impacts. Such treatment shall be designed to reduce acoustic impacts so that the roller door and traffic movements are no greater than 5db(A) above the ambient background noise when measured at the boundary. The report shall be submitted to Council prior to the issue of the construction certificate and the proposed additional treatment shall be implemented prior to the issue of an occupation certificate.

71. Privacy screens shall be erected in the following locations:

- Southern side of the balconies located on the first floor level south elevation of the building;
- Eastern side of the bedroom 2 balcony of Unit 8;
- Eastern side of the living room and bedroom 2 balcony of Unit 6; and
- Western side of the living room and bedroom 2 balcony of Unit 7.

The privacy screens should have a minimum height of 1.6m measured from the floor level of each balcony and minimum density of 85%. (Nb: Preference should be given to the use of obscure glazing).

Details shall be submitted to the satisfaction of the principal certifying authority prior to the issue of the construction certificate. The privacy screens shall be erected prior to the issue of an occupation certificate.

72. Prior to the issue of a Construction Certificate, a sample/schedule of external colours, finishes, textures and materials of all new work (including the treatment of external walls, roofing, balcony balustrades, fences, windows, and doors shall be submitted to Council for approval. The schedule shall indicate a variation in colour between the rendered balcony features and rendered walls of the building.

73. Deleted.



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74. An accredited traffic control person shall provide assistance to heavy vehicles entering and leaving the site and pedestrians during excavation, demolition and construction works.
75. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

76. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
77. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
78. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

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- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

79. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SEVEN (7) ADDITIONAL DWELLINGS IS CURRENTLY \$84,279.23. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New Library bookstock	\$17.95
4. New Public Art	\$2.93
5. Acquisition of Open Space - St Ives	\$7,851.00
6. Koola Park upgrade and reconfiguration	\$143.09
7. North Turramurra Sportsfield development	\$986.80
8. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9. Section 94 Officer for period of Plan 2000-2003	\$118.42
10. Preparation of New SEPP 5 Residents Kit	\$22.44
11. SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

To obtain the total contribution figure the occupancy rate for all SEPP 5 developments is 1.3 persons

80. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council and the RTA prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the

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property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

81. In order to maintain the inlet capacity of drainage infrastructure in the Mona Vale Road, the Applicant must carry out the following drainage infrastructure works in Mona Vale Road, in the vicinity of the proposed vehicular access point:

- Removal of the existing extended lintel and grated drain in the location of the proposed driveway layback,
- Installation of a trafficable drainage pit and grate and associated reinforcement works in the location of the proposed driveway layback,
- Installation of a fully new concrete drainage pit, three-metre lintel and double grated drain upstream of the existing pit (to which site drainage connection must be made)\*
- Proposed traffic management plan, devices to be installed during construction works.

\* *These requirements may be varied by the RTA.*

Development Consent under the EP&A Act does NOT give approval to these works on RTA property. THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 for the works in Mona Vale Road, required by this condition. The Construction Certificate MUST NOT be issued, and these works must not proceed, until RTA has issued a formal written consent under the Roads Act 1993.

To obtain consent under the Roads Act 1993 for the infrastructure works on RTA Road Reserve, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer. These must be submitted and approved by RTA as the Roads Authority (attention RTA Asset Manager, Blacktown) prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the "Roads Act" approval.

The drawings are to detail erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

82. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which

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maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

83. Provision of a basement stormwater pump-out system for the driveway ramp runoff and basement area/subsoil drainage. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
84. Provision to Council prior to the issue of a Construction Certificate of a \$10,000.00 bond to cover the restoration by Council of any damage to infrastructure in the public road along the frontage or within close proximity to the subject development, or for any incomplete works, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
  - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
  - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
85. Submission for approval prior to issue of the Construction Certificate of certification by a qualified Civil/Traffic Engineer that:
  - a. The car park space dimensions and vehicular headroom requirements of SEPP 5 (as amended December 2000) and AS2890.1 are met for all parking spaces and circulation areas, and
  - b. Council's requirements under DCP 40 for waste collection vehicles (height 2.44m) are met in the basement carpark, especially at the basement entrance and exit thresholds. This is to specifically include certification that necessary headroom requirements are met beneath all suspended service lines in the relevant areas of the basement carpark, including stormwater and sewer lines, and
  - c. All driveways and circulation aisle widths, grades, curve radii, (including transitions) meet the requirements of AS2890.1. and the relevant conditions of consent.
  - d. The standard Council waste collection truck can enter the basement carpark, access the waste collection area and egress the driveway in a forward direction with the use of one reverse movement only, and at all times.

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86. Provision of on-site rainwater tank(s) which must be designed to have a tank-space available volume which is sufficient to capture and retain the first 10mm of rainfall from the total subject property after which the tank(s) are to be designed to bypass and divert to the main drainage system. Appropriate first flush cleaning provisions are to be provided upstream from the tank(s). Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: Maximum capacity of an individual rainwater tank to be 10,000 litres.

NOTE 2: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.

NOTE 3: Rainwater tanks must not be located on the front facade of a dwelling.

NOTE 4: If rainwater tanks are to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: Rainwater tanks to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

87. The property drainage system (gutters, downpipes, drainage lines, pits ancillary plumbing etc) shall be designed and prepared by a suitably qualified and experienced engineer to convey a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual and the National Plumbing and Drainage Code. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to specifically certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

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NOTE 3: To avoid the potential for continual surface water flows, groundwater seepage or subsoil drainage discharges are to be directed to drainage systems which connect to downstream public piped drainage systems without the need for surface flow.

88. Full construction drawings of the proposed method of achieving the requirements for on-site stormwater detention (OSD), pollution control, water re-use and supporting calculations, are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer. Details must be submitted to, and approved by, the Principal Certifying Authority prior to issue of the Construction Certificate.

89. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

90. The following changes shall be shown on the plans submitted with the application for the Construction Certificate:

- the driveway location shown on the landscape concept plan (Issue B) shall be shown on all other relevant architectural and engineering plans;
- the basement carpark shall be located no closer than 4 metres to the rear eastern boundary. Note: No further encroachments into the primary or critical root zones of the *Nageia falcata* (Outeniqua Yellow Wood) located in the front garden is permitted;
- the garbage area shall be located in the basement carpark;
- garden retaining walls shall be located in the same location as the basement car park wall (at the rear) and at the edge of the terrace areas on the northern side of the buildings. Steps or ramps will be required to access the lawn areas beyond.

91. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$340 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

NOTE: The concept plan prepared by Peter Glass and Associates – Issue B is generally acceptable except where amended by the previous condition, and:

- the inclusion of at least 8 canopy size trees (greater than 13 metres in height) – at least 3 of these trees shall be in 100 litre size containers and planted in the front portion of the site;
- the deletion of the palms from the rear eastern boundary;
- the inclusion of a raised planter bed over the basement car park 1.5 metres outside the eastern side of the building;

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- use of super advanced screening shrubs which can attain at least 4 metres in height along the front boundary, the southern boundary at its eastern end for a length of at least 9 metres, and the eastern boundary at its southern end for a length of at least 9 metres.

92. The *Cedrus deodara* (Himalayan Cedar) - Tree 43 and *Cupressus Sp* (Cypress) – Tree 42 located in the northern side of the front garden shall be thoroughly investigated and tested to ensure that they are stable prior to the commencement of any earthworks. The report which should recommend retention or removal of the trees depending on the investigation shall be submitted with the Construction Certificate application.

93. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

94. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Tree 50 <i>Nageia falcata</i> (Outeniqua Yellow Wood)/Front garden	\$5000
Row of Lilly Pillies in the property to the rear Trees 29-35	\$5000

95. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, EXCAVATION OR SITE WORKS**

96. Due to the location of the development site on Mona Vale Road, the Applicant shall produce a Traffic Control Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). The plan shall specifically address all of the following matters:

**Safe Ingress and Egress**

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. Provision for safe flow of traffic past frontage of development site.
- c. How safe egress for vehicles will be managed at any time where forward egress is not possible.
- d. How pedestrians will be safely managed across the frontage of the site.

**Parking Control**

- a. Establishment of a “No Stopping” zone over the frontage of the development site as required by RTA, and subject to their approval. Applicant to liaise with Council Traffic Engineers as required for signage installation.
- b. The provision of on-site parking for all employees, trades persons and construction vehicles. No construction vehicles are to be stopped on Mona Vale Rd at any time.

**RTA Concurrence**

Written evidence of approval from the RTA (as the Roads Authority in this location) for the Traffic Control Plan, prior to submission with Council.

**Stages**

The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan must be submitted to and released by Council, attention Development Engineer, prior to the commencement of any works on-site including site establishment, demolition and excavation. Failure to do so may result in fines and procedures to stop work.

NOTE 2: The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the



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requirements of the abovementioned documents and the requirements of this condition.

NOTE 3: Written evidence of RTA concurrence, as required above, is to be lodged concurrently with the plan submitted to Council.

NOTE 4: A minimum of two weeks is required for assessment. Failure to lodge the required information will delay processing. An adopted fee is payable for assessment of the plan.

NOTE 5: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

97. To enable the "ageing in place" philosophy to be achieved in Ku-ring-gai:

a. Prior to the commencement of construction, documentary evidence is to be provided to Council's satisfaction, of an agreement with suitably qualified service provider/s for the provision of the following services if and when required by any of the residents of the development:

- Personal care, including bathing and dressing;
- Housekeeping, including cleaning and laundry;
- Home delivered meals; and
- 24 hour a day monitored emergency call system.

b. The documentary evidence is to include the following details:

- Proposed cost to residents of each of the services listed in (a) above; and
- Proposed means of altering the cost to residents of these services. This may include: linking costs to the Consumer Price Index or a proportion of the Aged Pension; or be selecting a new service provider.

c. Promotional material shall include details of the services available to residents of the development and their cost.

d. A comprehensive residents' manual is to be provided to all residents which includes information of relevance to them, such as doctors, churches and other community services and facilities.

98. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

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99. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

100. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
101. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
Tree 50 <i>Nageia falcata</i> (Outeniqua Yellow Wood)/ Front garden	4m
Row of Lilly Pillies in the property to the rear Trees 29-35	fence 3m inside boundary
Existing Camellias to be retained over the site	2m

102. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. Where the building intrudes into this zone the fence may be located 1 metre outside the building. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
Tree 43 <i>Cedrus deodara</i> (Himalayan Cedar) (if retained) Northern side of front garden	6m

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Tree 42 *Cupressus Sp* (Cypress) (if retained) 4m  
Northern side garden

103. The tree protection fence shall be constructed of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres prior to work commencing.
104. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

105. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
106. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
107. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which is to be denoted common property, must be included on any final plans of strata subdivision.
108. Prior to Occupation or issue of the Subdivision Certificate, signage must be installed within the site near the car park exit to warn egressing drivers to be cautious of pedestrians using the footpath.
109. A contractor with specialist excavation experience must undertake the excavations on the site. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and prior to Occupation or issue of the Subdivision Certificate, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :-
- According the relevant Australian Standards and guidelines, and In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
110. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

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111. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer prior to Occupation or issue of the Subdivision Certificate, that:

The car park space dimensions and vehicular headroom requirements of SEPP 5 (as amended December 2000) and AS2890.1 are met for all parking spaces and areas, and

Council's requirements under DCP 40 for waste collection vehicles (height 2.44m) are met in the basement carpark, especially at the basement entrance and exit thresholds. This is to specifically include certification that necessary headroom requirements are met beneath all suspended service lines in the relevant areas of the basement carpark, including stormwater and sewer lines, and

All driveways and circulation aisle widths, grades, curve radii, (including transitions) meet the requirements of AS2890.1. and the relevant conditions of consent.

The standard Council waste collection truck can enter the basement carpark, access the waste collection bay and egress the basement carpark with the use of one reverse movement only, and at all times.

112. The creation of a Restriction-on-Use under the Conveyancing Act, prior to Occupation or issue of the Subdivision Certificate, restricting the occupation of the premises to:

People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).

People who live with such people as defined in (a) above.

Staff employed to assist in the administration of and provision of services to housing provided in this development.

113. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Final Compliance Certificate, that:

The works were carried out and completed in accordance with the approved plans.

All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

114. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the

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Principal Certifying Authority for approval prior to occupation or issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

115. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to occupation or the issue of a subdivision certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.
116. The creation of a Positive Covenant and Restriction on the Use of Land under the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention, stormwater pollution control and pump-out systems on the property prior to occupation or the issue of a subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

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117. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation or the issue of a subdivision certificate.
118. Prior to occupation or the issue of a Subdivision Certificate the redundant section of driveway crossing and kerb layback fronting the site must be reinstated as footway and standard kerb and gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer at this time.
119. Prior to occupation or the issue of a Subdivision Certificate an easement for waste collection is to be provided to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
120. Road, footpath and drainage works in the public road must be fully completed in accordance with the *Roads Act* approved drawings and to the satisfaction of the Roads Authority, prior to occupation or the issue of the Subdivision Certificate. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings. The works are also to be subject to inspection by the Roads Authority representative as noted on the approved drawings. Any conditions attached to the approved drawings for these works are also to be completed and approved to the satisfaction of the Roads Authority prior to the issue of the Subdivision Certificate/occupation of the development.

## BUILDING CONDITIONS

121. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.

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- f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

122. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

123. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

124. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

125. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
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Going (Treads):                      Maximum 355mm                      Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

126. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).

127. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

128. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

129. The development is to meet the requirements of Clause 13A(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19) and (20) of the State Environmental Planning Policy No 5. A compliance certificate is to be submitted from a suitably qualified person to the effect that the design complies with the relevant design standard.



G Bolton  
Team Leader, St Ives Ward

M Miocic  
Director  
Environment & Regulatory Services

**Attachments:**

- Location Sketch**
- Site Analysis**
- Elevations**
- Shadow Diagram**
- Landscape Plan (revised)**
- Original report to Council meeting of 9 December 2003**
- Revised Floor Plans (Confidential)**

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## 28 SAIALA ROAD, KILLARA - APPLICATION FOR APPROVAL

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report on the amended plans and additional information submitted in response to the Council resolution of 14 October, 2003 and to seek a determination of the development application.

**BACKGROUND:**

- Application lodged 3 September, 2002.
- Amended plans lodged 23 April, 2003.
- Two objections received to amended plans.
- Report to Council recommending refusal considered at meeting on 14 October, 2003.
- Council deferred consideration to allow applicant to submit amended plans to address the reasons for refusal.
- Amended plans and additional information submitted by applicant.
- No objections received to amended plans.

**COMMENTS:**

Amended plans have been submitted, which have satisfactorily addressed the concerns identified by the Landscape Development Officer. The application is now supported by an objection pursuant to SEPP 1 against the height development standard in KPSO, which is well founded.

**RECOMMENDATION:**

Approval, subject to conditions.

## PURPOSE OF REPORT

To report on the amended plans and additional information submitted in response to the Council resolution of 14 October 2003 and to seek a determination of the development application.

## BACKGROUND

- Application lodged 3 September, 2002.
- Amended plans lodged 23 April, 2003.
- Two objections received to amended plans.
- Report to Council recommending refusal considered at meeting on 14 October, 2003.
- Council deferred consideration to allow applicant to submit amended plans to address the reasons for refusal.
- Amended plans and additional information submitted by applicant.
- No objections received to amended plans.

## PREVIOUSLY RECOMMENDED REASONS FOR REFUSAL

The Council report considered at the meeting on 14 October, 2003, recommended refusal of the development application for the following reasons:

1. The development application is unsatisfactory having regard to section 79C(1) of the Environmental Planning and Assessment Act, 1979 ("the Act") because the minimal front setback and close proximity of the south western part of the building to the front boundary and driveway will have an adverse impact on landscape amenity and streetscape character.
2. The development application is unsatisfactory having regard to section 79C(1) of the Act because the proposed development is not consistent with the general aims of the residential zones, contained in Schedule 1 to clause 1B of KPSO, and in particular it will not:
  - a) maintain or improve residential amenity and environmental character of the zone,
  - b) be compatible with the existing environmental character, and
  - c) have a harmonious relationship with adjoining developmenthaving regard to the minimal front setback and related adverse impact on landscape amenity and streetscape character.
3. The development application is unsatisfactory having regard to section 79C(1) of the Act because the minimal front setback is not satisfactory having regard to the provisions of Development Control Plan No. 38 – The Ku-ring-gai Residential Design Manual, and will significantly impact upon streetscape character whilst not allowing for landscape softening to minimise the visual impact.
4. The development application is unsatisfactory having regard to section 79C(1) of the Act in light of the issues raised by public submissions.

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The recommended reasons for refusal reflected the concerns raised by Council's Landscape Development Officer in relation to the location of the proposed building within the minimum required front setback area and the resultant impact of the development on landscape and scenic quality within the streetscape.

## AMENDED PLANS

The applicant lodged amended plans in November, 2003. The amended plans were intended to address the recommended reasons for refusal. The amendments to the plans included the relocation of the Garage/Bedroom 1 component of the building approximately 3m to the north. The minimum front setback consequently increased from 4.61m to 7m, which is approximately in line with the front alignment of the existing dwelling-house on the adjoining property to the west of the site.

Council's Landscape Development Officer has undertaken an assessment of the amended plans, and commented in response as follows:

*"The revised house plans have taken previous concerns raised by Landscape Services into account. The reduced setback of 7.0m although not strictly in compliance with councils policy can be supported as a precedent has been set by the dwelling at #26 Saiala Rd which has a 7.0m setback.*

*The application can be supported with conditions".*

The amended plans have addressed the previously recommended reasons for refusal as follows:

1. The front setback has been increased such that the front of the building will no longer have a significant impact on landscape amenity and streetscape character. The minimal front setback occurs at one point only and increases across the front facade of the building towards eastern side.
2. This reason for refusal was reflective of the other reasons for refusal regarding the significant impact of the former proposal on landscape amenity and streetscape character, in light of the relevant general aims of the residential zones. The amended plans have satisfactorily addressed these issues and the development is consistent with the general aims of the residential zones.
3. The essence of this reason for refusal is that the development will have a significant impact upon the streetscape character and will not allow for landscape softening to minimise the visual impact. As previously stated, the revised plans have now satisfactorily addressed the landscape and streetscape visual impacts.
4. This reason for refusal refers to the public submissions. No objections have been received to the amended plans.

The amended development plans have satisfactorily overcome the previously recommended reasons for refusal.

## BUILDING HEIGHT

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Clause 46 of the KPSO establishes a maximum height development standard for dwelling-houses of 8m. The maximum height of the proposed dwelling-house is 8.735m. The amended plans are supported by an objection against the development standard pursuant to SEPP 1.

In accordance with clause 6 of SEPP 1, the objection states that compliance with this standard is unreasonable and provides the following grounds:

- The proposed alterations and additions will result in a dwelling that is compatible in its height, bulk and scale of surrounding properties.
- The area of non-compliance is minor, approximately 10sqm.
- The area of non-compliance comprises a stairwell and ensuite. These areas are not high use living areas and are located centrally within the dwelling and as such will not result in a loss of privacy to adjoining properties.
- The building presents as a two storey dwelling from Saiala Road, given the slope of the site.
- The dwelling generally complies with the building height plane, with the exception of the eaves on the eastern elevation.
- The proposal does not result in any overshadowing to adjoining residential properties.
- The proposed dwelling does not result in the loss or obstruction of any significant views.
- The proposal retains all significant vegetation on site.

In accordance with clause 7 of SEPP 1 and having regard to the grounds of the objection provided by the applicant, the objection is well founded and is consistent with the aims of SEPP 1. In this regard, strict application of the development standard is unreasonable and would hinder the attainment of the proper management and development of resources and the orderly and economic use and development of land.

## SUMMARY

The amended plans have satisfactorily addressed the previously recommended reasons for refusal, to which no public objections have been received. The amended plans are supported by a SEPP 1 objection which is well founded. The development application is recommended for approval, subject to the conditions recommended below.

## RECOMMENDATION

That Development Application No. 1235/02 for demolition and construction of a dwelling-house at Lot 5 DP 32899 (No. 28) Saiala Road, Killara, be approved, subject to the following conditions:

### GENERAL CONDITIONS

1. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

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2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. To maintain existing ground levels all excavated material shall be removed from the site.
11. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

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12. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
18. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.

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19. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
20. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

22. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
23. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
24. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
25. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.



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26. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
27. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
28. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
29. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
30. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
31. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
32. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
33. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
34. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
35. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
36. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
37. The swimming pool shall be emptied of water prior to the removal of any part of the existing pool fence. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction prior to any water being placed in the pool.
38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new

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building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

39. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
40. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
41. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
42. On completion of the LANDSCAPE WORKS/TREE PLANTING AND SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
43. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
44. Stormwater runoff from the driveway and a portion of the roof area equal to approximately 80m<sup>2</sup> shall be piped to the street drainage system. Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
45. The remaining built-upon area (not more than 30% of the site area) is to be drained to a dispersal trench system positioned parallel to the contours of the site at the highest practicable level.

NOTE 1: The dispersal trenches shall be 700mm wide x 700mm deep. Trenches shall be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 2: Trenches are to be at least 3 metres from the footings of any structure, unless a structural engineer's certificate is provided to the effect that the trench location would not compromise the integrity of footings.

NOTE 3: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the dispersal trench.

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NOTE 4: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 5: A certificate from the installer is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

46. For stormwater control, an On-site Stormwater Detention System is to be provided for that proportion of the built-upon area which is drained to the on site dispersal system, in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

47. Construction should comply with Australian Standard 3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.
48. Inclusion of 'leafless guttering' or other mechanical means to be installed on the structure to prevent the build up of flammable material within the gutters. The gutter guard should also enable access to the gutter downpipe for the fitting of a gutter plug in the event of potential fire overrun.

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49. The entire property shall be managed as an inner protection area as outlined within *Planning for Bushfire Protection 2001*.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

50. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

51. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
52. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
53. To ensure structural stability, engineer's details (in duplicate) of any retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
54. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to

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enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m <sup>2</sup>

55. A plan detailing screen planting of the eastern and western site boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 6.0m (adjacent to the dwelling) and 2.0 metres.
56. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
57. The 4 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
58. A *CASH BOND/BANK GUARANTEE* of \$2000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

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59. A CASH BOND/BANK GUARANTEE of \$4 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

*Eucalyptus globoidea* (White stringbark)

Adjacent to eastern site boundary

60. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

61. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
62. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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63. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

64. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front façade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

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NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

65. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
66. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
67. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
68. The following are required details and must be submitted to the Principal Certifying Authority *prior to the works relating to the detail being carried out*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. A Registered Surveyor's set out report.
69. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
70. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Eucalyptus globoidea</i> (White stringbark) Adjacent to eastern site boundary	3.0m



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71. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
72. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

73. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
74. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified person that the works were carried out in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to occupation.
75. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

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- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

76. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
77. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
78. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
79. A survey plan prepared by a registered surveyor shall be submitted to the Principal Certifying Authority upon completion of all development on the site confirming that the built-upon area draining to the on site dispersal system does not exceed 30% of the site area.

#### BUILDING CONDITIONS

80. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.

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- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
81. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
82. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

83. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

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84. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

85. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

86. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
  - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
  - ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

87. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

88. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - e. Registered Surveyor's Report confirming that the 'height' of the building (as defined in the Ku-ring-gai Planning Scheme Ordinance 1971) does not exceed 8.735 metres.

G Smith  
TEAM LEADER  
GORDON WARD

M Miocic  
DIRECTOR  
ENVIRONMENTAL & REGULATORY  
SERVICES

**Attachments:      Previous Council Report  
                         Amended development plans**

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## **47 HIGHFIELD ROAD, LINDFIELD - TORRENS TITLE SUBDIVISION & CONSTRUCTION OF A NEW DWELLING & SWIMMING POOL**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.
<b>BACKGROUND:</b>	<ul style="list-style-type: none"><li>• Application was lodged on 20 December 2002.</li><li>• DLWC requested to amend plans.</li><li>• Amended plans submitted on 27 August 2003.</li><li>• Council considered report at its meeting on 9 December 2003.</li><li>• Council undertook site inspection on 13 December 2003 and raised a number of issues.</li></ul>
<b>COMMENTS:</b>	The issues raised at the site inspection are addressed in this report.
<b>RECOMMENDATION:</b>	Approval, subject to conditions.

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## PURPOSE OF REPORT

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

## BACKGROUND

- Application was lodged on 20 December 2002
- DLWC requested to amend plans
- Amended plans submitted on 27 August 2003
- Council considered report at its meeting on 9 December 2003
- Council undertook site inspection on 13 December and raised a number of issues

## ISSUES RAISED AT THE SITE INSPECTION

### **Is the TPO 3 metres from the centre of the tree, and what if the tree has 3 trunks?**

Council's landscape architect has advised that 3 metres is measured from the centre of each trunk if trunks are not attached to a central stem, which is the case in this instance. The applicant has indicated in the attached plan, (Appendix 1) that the 3 metres radius from the Turpentine tree has been measured from the centre of each of the three trunks. As demonstrated in Appendix 1, the proposed development does not encroach the exemption zone as set out in Ku-ring-Gai Council's Tree Preservation Order.

### **The fence along the creek site should be a pool style, green or black.**

Page 6 of the Council report dated 2 December 2003, states that "a fence along the boundary next to Paddy Pallin Reserve with low visual impact" shall be constructed. It is proposed that Condition 31 be made more specific to read:

*A fence along the boundary to Paddy Pallin Reserve shall be a swimming pool type. Colour scheme shall complement the surrounding natural environment. Design details shall be submitted to Council prior to issue of the Construction Certificate.*

### **Is the above fence required due to floodwaters impact?**

The Department of Infrastructure, Planning and Natural Resources has issued the General Terms of Approval for the above property and recommends a 5 to 10 metres riparian zone to be established on both sides of the watercourse on the site. No recommendation or reference is made to fencing along the boundary with Paddy Creek Reserve.

Council's Engineer commented that a swimming pool type fence will not have an impact on restricting the flow of flood waters. Condition 58 requires submission of a flood study demonstrating that the habitable rooms of the proposed dwelling have 300mm minimum freeboard above the 100 year AI flood level. This report shall assess the impact of the proposed fence.

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**Should there be a limit on the size of trucks in regard to access and potential damage to the lane?**

Council's Engineer's comments are:

*The size of the lane will limit the size of truck that can travel down it. The largest truck that would negotiate the lane would not have sufficient weight to cause ongoing damage.*

The applicant is required to repair any damage to Council infrastructure by Condition 61 of the recommended development consent.

**Have the planter boxes been included in the built-upon area?**

Clause 5.2.7 of DCP No 38 states:

*Built-upon area means the area of a site containing any structure (whether covered or uncovered), any building, carport, terrace, pergolas, hard surface recreation area, swimming pool, tennis court, driveway, parking area or any structure **but excluding minor landscape features.***

The retaining walls and planter boxes are not included in the built upon area.

**Could the landscape plan be supplied for the meeting?**

Council's landscape architect is satisfied that all landscape issues can be addressed by the amended landscape plan submitted prior to issue of Construction Certificate. Subsequently Condition 79 has been imposed. An A4 size reduced copy of the landscape plan is annexed to this report.

**Could the extent of planting to the north-east boundary be clarified in relation to the laneway?**

Council's Landscape Architect recommends a 1.5 metre high locally occurring native species from Sydney Turpentine – Ironbark Forest, to be planted along the north-eastern boundary.

Therefore the following condition shall be added:

*A 1.5 metre high locally occurring native species from Sydney Turpentine – Ironbark Forest, shall be planted along the north-eastern boundary.*

**Check width of paths on north-side, whether planter boxes are necessary along the north side.**

Highfield Lane is 3m wide on average. Due to the considerable slope at the north-east corner of the site, landscape retaining walls will be required to achieve a level front lawn and terrace that can be accessed from the proposed dining room at RL 67.61. The retaining walls will be in line with the natural slope of Highfield Lane and 300mm above the natural ground level.



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**Condition 33 should quote native species, not endemic species. Also two additional weed species to be included, Cats Claw Creeper and Morning Glory.**

Condition 33 is amended to read:

*Seed be collected from local indigenous native plants on site that are to be removed so they can be grown into seedling to be planted back on site.*

Condition 57 deals specifically with noxious weeds; Cats Claw and Morning Glory are now included.

**Is there any visitor parking provided?**

Development Control Plan No 38 does not require visitor parking for a single dwelling. Subsequently there is no visitor parking provided. However, visitors can park on Highfield Road and access the new dwelling via the right of passageway. Also one visitor car can be parked on the driveway.

**No trees are to be removed from the path on the north side to allow access for garbage bins.**

A 1m wide right of passageway shall be provided adjacent to the north-east boundary of the site. This will involve removal of two existing palm trees. There are 8m, 5m and 10m high trees and a power pole situated on the route of the proposed passageway. In order to retain those trees and to avoid relocation of the power pole, the applicant proposes that the last 7.7m length of the passageway be rerouted to share the existing driveway.

Council's Engineer supports the sharing of driveway with the right of pedestrian passageway as demonstrated in Appendix 2. Condition 43 shall be amended to read:

*No trees shall be removed to permit passage of waste collection bins along the proposed alignment of the right of pedestrian way. Any palms may be removed for this purpose.*

## **SUMMARY**

The Landscape Development Officer and Development Control Officer raised no objection to the proposal, subject to conditions. The Development has been assessed against the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 and is recommended for approval, subject to conditions:

## **RECOMMENDATION**

That Development Application No 1772/02 for Torrens Title Subdivision and construction of a new dwelling and swimming pool at Part 1, Lot1, Section 1, DP 3233 (No 47) Highfield Road, Lindfield be approved for a period of two (2) years from the date of the Notice of Determination and subject to the following conditions:

## **GENERAL CONDITIONS**

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1. The development to be in accordance with Development Application 1777/02 and Development Application plans prepared by Owen Haviland Architects, reference number Dwg No DA01-DA07, dated 11 August 2003 and lodged with Council on 27 August 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
8. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
9. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
10. For safety purposes, depth markers shall be provided at both ends of the pool.
11. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.

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12. For the purpose of residential amenity, the exposed external surfaces below concourse level shall be treated and finished off to a smooth surface.
13. To maintain the existing ground levels all spoil shall be removed from the site. Sites shall not be re-shaped, re-contoured, nor the levels on any part of the site altered without the consent of the Council being obtained beforehand.
14. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
15. To ensure compliance with the Swimming Pools Act, 1992, the existing boundary fence, forming part of the safety fencing to enclose the pool shall be upgraded or otherwise so altered or reconstructed so as to comply with the provisions of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools". The overall height of the dividing fence is not to exceed 1.8 metres in height above the natural ground level. Attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owners which may arise in respect of this matter and enquiries in this regard may be made at the nearest Local Court.
16. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
17. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
18. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

19. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

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20. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
21. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
22. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
23. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
24. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
25. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
26. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
27. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
28. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

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- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
31. A fence along the boundary with Paddy Pallin Reserve shall be a swimming pool type fence. The creek width measured from bank to bank shall be left unfenced. Colour scheme shall complement the surrounding natural environment. Design details shall be submitted to Council prior to issue of the Construction Certificate.
  32. That straw bales shall not be used for erosion control as they contain weed seeds which could escape into reserve. Other methods such as silt fencing or sandbags shall be used instead.
  33. Seed be collected from locally occurring native plants on site that are to be removed so they can be grown to replace some of the lost trees.
  34. Fifty percent of plants used on site to be of provenance stock, ie. local native species shall be collected from local sources.
  35. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the watercourse within the site. A headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.
  36. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

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NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

37. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
38. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

39. The provision of temporary sediment and erosion control facilities, and measures are to be installed prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
40. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
41. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early

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contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

42. The vehicular crossing from Highfield Lane is to be a minimum of 4.5 metres wide, to allow for satisfactory access to and from the proposed garage.
43. A right of pedestrian way to Highfield Road shall be provided to the satisfaction of the Council to allow waste collection from the new dwelling. No trees except palm trees shall be removed to permit passage of waste collection bins along the proposed alignment of the right of pedestrian way. Any palms may be removed for this purpose.
44. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

45. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
46. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
47. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
48. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
49. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
50. Constructed slopes greater than 1:3 gradient shall be vegetated immediately earthworks are completed.
51. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

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52. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
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<i>Syncarpia glomulifera</i> (Turpentine) Within the courtyard at the southeastern side of the dwelling	6.0 metres
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<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's central southeastern boundary	5.0 metres
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53. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

54. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
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<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's central southeastern boundary.	6.0 metres
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55. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

56. On completion of the landscape works including screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

57. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

*Ageratina adenophora* (Crofton Weed)  
*Anredera cordifolia* (Madeira Vine)  
*Cardiospermum grandiflorum* (Balloon Vine)  
*Celtis australis* (Nettle Tree)



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*Chlorophytum comosum* (Spider Plant)  
*Cinnamomum camphora* (Camphor laurel)  
*Hedera helix* (English Ivy)  
*Impatiens balsamina* (Impatiens)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Ochna serrulata* (Ochna)  
*Setaria palmifolia* (Palm Grass)  
*Sida rhombifolia* (Paddy's Lucern)  
*Tradescantia albiflora* (Wandering Jew)  
*Macfadyena unguis-cati* (Cat's-claw Creeper)  
*Ipomoea sp.* (Morning Glory Vine)

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION  
CERTIFICATE

58. Submission of a flood study prepared by a suitably qualified and experienced hydraulic/ stormwater engineer, demonstrating that habitable rooms for the proposed dwelling have 300mm minimum freeboard above the 100 year ARI flood level and indicating whether any part of the substructure will be subject to floodwaters in the 100 year ARI event. The study is to be carried out in accordance with the requirements of Council's Stormwater Management Manual.
59. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

60. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
61. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any

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waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

62. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
63. The compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act must be submitted prior to the release of the Occupation Certificate.
64. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.02. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95

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6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Lindfield	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

65. If the flood study submitted under Schedule A demonstrates that the substructure of the new dwelling will be subject to floodwaters from the 100 year ARI event, the structure is to be designed to withstand impacts from such floodwaters and floating debris. A structural engineer's certificate to that effect is to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
66. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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67. Details of the pathway from the new dwelling to Highfield Road are to be shown on the Landscape Plan and approved by Council's Landscape Development Officer prior to issue of a Construction Certificate.
68. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
69. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
70. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

71. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably

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qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

- NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.
- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front façade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

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NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

72. So as to ensure compliance with Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools", details of the proposed method of preventing access into the pool area from the dwelling are to be submitted to and approved by the Principal Certifying Authority prior to release of the Construction Certificate.

73. To ensure minimal impact to adjoining properties, the swimming pool filter equipment shall be a minimum of 2 metres from all property boundaries, not located within the side setbacks or forward of the dwelling and not adjacent to the dwellings in the adjoining properties. The filter shall be enclosed in a sound attenuating enclosure. No pipes for the equipment shall be located beneath the canopy of a tree protected under Council's Tree Preservation Order.

Details shall be submitted to and to the satisfaction of the Principal Certifying Authority, prior to the release of the Construction Certificate.

74. The Construction Certificate shall not be issued until a copy of the Part 3A Permit, issued by the Department of Infrastructure, Planning and Natural Resources, has been provided to Council.

75. The proposed development shall comply with the General Terms of Approval for Integrated Development issued by the Department of Infrastructure, Planning and Natural Resources.

76. To ensure the *Syncarpia glomulifera* (Turpentine), located within the courtyard at the southeastern side of the dwelling site, is sustained by its current natural drainage regime the ground floor level of the lounge/kitchen/dining area shall be raised to a minimum distance of 300 mm above existing ground level. Details for the required amendment shall be submitted to Council prior to the release of the Construction Certificate.

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77. To preserve the *Angophora costata* (Sydney Red Gum), located adjacent to the proposed lot's central southeastern boundary, the swimming pool length shall be reduced by 6 metres. Details for the required amendment shall be submitted to Council prior to the release of the Construction Certificate.
78. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

79. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The existing *Angophora costata* (Sydney Red Gum) and *Casuarina cunninghamiana* (River Oak) shall be accurately shown on the amended landscape plan to the satisfaction of Council's Landscape Development Office. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m <sup>2</sup>

80. To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 80% of the tree and shrub plantings on the landscape plan for the site shall be derived from the Sydney Turpentine/Ironbark Forest assemblage of species (included) as the site is located within 100 metres of bushland.
81. A plan detailing screen planting of the site's north western, north eastern and south eastern boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 1.5 metres, 3 metres and 6 metres respectively. A 1.5 metre high locally occurring native species from Sydney Turpentine/Ironbark Forest, shall be planted along the north-eastern boundary.
82. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site

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Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

83. A *CASH BOND/BANK GUARANTEE* of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

84. A *CASH BOND/BANK GUARANTEE* of \$10,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

*Syncarpia glomulifera* (Turpentine)

Within the courtyard at the southern side of the dwelling site

*Angophora costata* (Sydney Red Gum)

Adjacent to the site's central southeastern boundary

*Casuarina cunninghamiana* (River Oak)

Near the site's central southwestern boundary

*Sequoia sempervirens* (Californian Redwood)

Abutting the site's southeastern boundary near its southern corner.

*Syncarpia glomulifera* (Turpentine)

Near the site's western corner



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85. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

86. To preserve the *Syncarpia glomulifera* (Turpentine), located within the courtyard at the southeastern side of the dwelling, footing for the lounge/kitchen/dining area shall be of isolated pier construction within 6 metres radius of the tree's trunk. The piers shall be located such that no roots of a greater diameter than 50 mm shall be severed or injured in the process of any site works during the construction period.

The location and details for the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

87. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
88. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
89. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
90. To protect the public, a temporary 1.8 metre high chain mesh, or similar, fence is required along the boundary adjoining the reserve/park, and 1 metre back from the top bank of the watercourse prior to work commencing and maintained throughout the construction work.
91. Access for construction purposes associated with this building shall NOT be taken or gained through the adjoining public reserve. Should no alternative access exist, then application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval before the commencement of works.
92. To preserve and enhance the natural environment, a diversion bank/catch drain shall be constructed between the building site and downslope bushland areas to intercept and convey sediment-laden runoff to an appropriately designed and located sediment trap or sedimentation basin within the boundaries of the site prior to work commencing.
93. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the issue of the Occupation Certificate.

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94. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

**Application must be made through an authorised Sydney Water Coordinator, for details see Sydney Water web-site [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

**NOTE - SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE**

The types of development referred to Sydney Water for a Section 73 Compliance Certificate as a condition of Development Consent are:

- All subdivisions by Torrens, Community, Strata and Stratum Title, and subdivisions for lease purposes (this includes Strata Title conversion to Torrens Title).
- All dual occupancy developments, whether being subdivided as above or remaining unsubdivided.
- All medium density (multi-unit) residential development ie. applications for the erection of buildings. (See EXCLUSIONS for Strata Subdivision).
- All vacant single dwelling development EXCEPT those on lots created by subdivision where an earlier Sydney Water Section 73 Compliance Certificate has been issued. This includes referral of developments where development consent is required for the erection of structures only. For example, existing undeveloped lots created prior to the Local Government Act, existing undeveloped lots previously rated with another lot (eg. Former tennis courts), or the demolition of a single dwelling and construction of separate single dwellings on existing multiple lots.

*This referral is required because some lots in established areas may not have been previously issued with a Compliance Certificate at the subdivision stage and therefore may not have direct access to water or sewer services.*

- All development on previously publicly owned land. For example: railway lands, or land resulting from road closures.
- All new development of vacant land for industrial and commercial use.
- All industrial and commercial re-development where new building is involved.

**DEVELOPMENT TYPES GENERALLY NOT TO BE REFERRED FOR SECTION 73 COMPLIANCE CERTIFICATES ARE:**

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- Strata subdivision plans for building approved by an earlier DA, ie. Strata title of an existing block, except where the previous DA has not been referred to Sydney Water.
- Consolidation of existing lots of land not involving subdivision of the existing lots.
- A new single residential dwelling replacing an existing dwelling.
- Alterations, additions to an existing residential dwelling (*including carports*).
- Developments where Council has approved servicing arrangements which are independent of Sydney Water's systems (except in Sydney Water catchments).

95. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Angophora costata</i> (Sydney Red Gum) Adjacent to the site's southeastern boundary.	5.0 metres

96. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed dwelling shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius from Trunk
<i>Syncarpia glomulifera</i> (Turpentine) Within the courtyard at the southern side of the dwelling site.	6.0 metres
<i>Casuarina cunninghamiana</i> (River Oak) Near the site's central southwestern boundary.	6.0 metres

97. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
98. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

99. A 1 metre wide right of access or equivalent is to be provided, benefiting proposed Lot 2, over the pathway through proposed Lot 1 to Highfield Road.

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100. Prior to issue of the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

Note: The following details must be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
- b. The Engineer's Certification of the on-site Stormwater detention facility. This must be on the standard Council On-Site Detention certification sheet, available from Councils customer services.
- c. Any Surveyors or Engineers Certification required by other conditions in this consent.
- d. The Section 73 Compliance Certificate.

Note: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate.

101. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.
102. Prior to issue of a Subdivision Certificate, creation of all burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify, prior to issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted.
103. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Subdivision Certificate.
104. The provision of separate underground electricity, gas, telephone, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.
105. Prior to the issue of the Subdivision Certificate, the new dwelling shall be completed to "lock-up" stage being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

106. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied

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comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

107. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
108. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

109. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Compliance Certificate or issue of a Subdivision Certificate.
110. Prior to issue of the Final Compliance Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
111. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to issue of the Final Compliance Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.

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- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

112. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified person that the works were carried out in accordance with the approved plans. Certification must be provided to the Principal Certifying Authority Prior to issue of the Final Compliance Certificate.
113. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

## BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

114. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

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- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
- b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
- d. Wet area waterproofing details complying with the Building Code of Australia.
- e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

115. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

116. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.

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- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the swimming pool complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

D Hulajko  
**Development Control  
Officer**

C Swanepoel  
**Acting Team Leader,  
Roseville Ward**

M Miocic  
**Director  
Environment &  
Regulatory Services**



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## 46 COOK ROAD, KILLARA

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.
<b>BACKGROUND:</b>	<ul style="list-style-type: none"><li>• Application lodged 18 February 2003</li><li>• Applicant requested to lodged amended plans</li><li>• Amended plans lodged 18 September 2003</li><li>• Council considered a report at its meeting on 2 December 2003</li><li>• Consideration pending site inspection</li><li>• The Council site inspection took place on 17 January 2004</li></ul>
<b>COMMENTS:</b>	The issues raised at the site inspection are addressed in this report
<b>RECOMMENDATION:</b>	Approval, subject to conditions

## PURPOSE OF REPORT

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

## BACKGROUND

- Application lodged 18 February 2003
- Applicant requested to lodge amended plans
- Amended plans lodged 18 September 2003
- Council considered a report at its meeting on 2 December 2003
- Consideration pending site inspection
- The Council site inspection took place on 17 January 2004

## COMMENTS

### **Stormwater detention and dispersal for the run-off from the cabana to be clarified The rear setback of the cabana to be increased.**

Council's Engineers have indicated that the rear setback of the cabana should be increased to 9m from the boundary. This would enable the construction of a 1m wide (x4m long) stormwater dispersal trench which is sufficient considering the size of the cabana structure. The trench should be located 5m from the rear boundary and also set back 3m from the cabana itself (5m + 1m + 3m = 9m).

A condition is inserted increasing the rear setback of the cabana to 9m to allow for the construction of a stormwater dispersal trench for run-off generated by the cabana structure. (Condition No 46).

The change in position will result in the removal of a smaller Crepe Myrtle tree but also the retention of a larger Pittosporum tree. Council's Landscaping Officer has no objection to the changes.

### **Magnolia tree in front garden to be protected during construction.**

The tree is now included in the Tree Protection Bond condition as well as the condition specifying tree protection measures. (Conditions Nos 51, 52 and 64).

### **Concerns were raised regarding the setback of the excavations and the adequacy of landscaped screening along the north-eastern and north-western boundaries.**

The setbacks for excavation/fill along the north-western boundary is increased from 700mm to 1000mm clear (excluding the retaining wall). This would enable a landscaped setback capable of supporting more substantial screen planting. The 700mm set back for excavation along the North-

eastern boundary remains unchanged so as not to obstruct access to the rear garden. (Condition No 45).

## SUMMARY

The Landscape Development Officer and the Council Engineers raised no objections to the amendments which are now conditioned. The proposal has been assessed against the matters for consideration listed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 and is recommended for approval, subject to the following conditions:

## RECOMMENDATION

That Development Application DA 166/03 for the demolition of an existing dwelling and the construction of a new dwelling, cabana and in-ground swimming pool at Lot 1, DP 307070 being No 46 Cook Road, Killara, be approved for a period of two (2) years from the date of the Notice of Determination, and subject to the following conditions:

### GENERAL

1. The development to be in accordance with Development Application No 166/03 and Development Application plans prepared by AVJ Drafting, reference number 0543/02 Sheet 1-4 (Issue B), dated 4 September 2003 and lodged with Council on 15 September 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the

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Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

9. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
  - a. The type and size of machinery proposed.
  - b. The routes of all trucks to convey material to and from the site.
  - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

17. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body

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for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

24. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
28. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
29. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
30. Stormwater runoff from all new hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the existing drainage system. To ensure the existing system is operating satisfactorily, a Drainage Report must be submitted and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. The Drainage Report must contain an inspection summary for the existing site drainage system from a suitably qualified engineer/plumber. This inspection summary must certify:

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- a. The satisfactory condition of the existing system and satisfactory capacity for continued usage after development, and
- b. The point and method of discharge (by way of sketch or plan) for the existing stormwater drainage system, and
- c. No deleterious effect on existing, adjacent or downstream properties as a result of the continued use of this existing system.

If this certification cannot be given, then the applicant is to submit design documentation for a new system for approval **prior** to issue of the Construction Certificate. In this case, plans are to be prepared by a suitably qualified and experienced consulting engineer in accordance with the requirements of Council's Stormwater Management Manual.

NOTE 1: Any new dispersal trenches deemed necessary as a result of the inspection shall be 700mm wide x 700mm deep x 1.0 metre run/10m<sup>2</sup> of area to be drained and shall comply with the following:

- Trenches shall be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure. A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the dispersal trench.
- The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- A certificate from the installer is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 2: Any new or existing stormwater drainage systems that discharge to an approved Council drainage point after passing over other private properties will be required to provide evidence within the drainage statement of the existence of a private drainage easement benefiting the subject site. Alternatively, evidence of the procurement of a private drainage easement over any intervening properties must be provided.

NOTE 3: No stormwater drainage system is to be connected to the Sydney Water sewer system. Any illegal connections must be rectified.

NOTE 4: Any new drainage works must incorporate a piped connection to an existing drainage system (satisfying the requirements of this Condition) or to a (new) approved Council discharge point. New drainage line connections to the kerb shall conform with Council requirements.

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31. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
32. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
33. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
34. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

35. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
36. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

*Ligustrum lucidum* (Large-leaved Privet)

*Ligustrum sinense* (Small-leaved Privet)

*Tradescantia albiflora* (Wandering Jew)

37. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
38. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
39. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to a dispersal trench positioned parallel to the contours of the site at the highest practicable level.



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- NOTE 1: The dispersal trenches shall be 700mm wide x 700mm deep x 1.0 metre run/10m<sup>2</sup> of area to be drained. Trenches shall be fitted with half round PVC (450mm diameter) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 2: Trenches are to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 3: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the dispersal trench.
- NOTE 4: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 5: A certificate from the installer is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

40. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

- NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

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NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

41. **To collect stormwater overflow from the swimming pool surface only, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. A certificate from the installer indicating compliance with this condition must be submitted and approved by the Principal Certifying Authority (PCA), prior to issue of the Final Compliance Certificate.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

42. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
43. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
44. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

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45. To provide sufficient space for screen planting the proposed retaining walls along the side boundaries adjacent to the dwelling shall be a minimum distance of 1000mm off the north western boundary and 700mm off the north eastern boundary.

A plan shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction certificate.

46. The cabana shall be setback 9.0 metres off the south western (rear) boundary to allow for the construction of a stormwater dispersal trench for runoff from the cabana 5.0 metres from the rear boundary and 3.0 metres from the cabana itself.
47. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee will be payable on lodgement of the required landscape plan, in accordance with Council's adopted Schedule of Fees and Charges.
48. The landscape plan shall include the following amendments:
- i) Name and phone number of the landscape designer.
  - ii) Date drawn.
  - iii) Proposed retaining walls indicating existing and proposed levels.
  - iv) Define proposed paved areas, garden beds and turfed areas.
  - v) Indicate neighbouring trees that are located close to the subject site boundaries.
  - vi) 6 additional trees that attain a height of 13 metres are required. At least 4 of the trees are to be locally occurring species such as: *Angophora costata* (Sydney Red Gum), *Angophora floribunda* (Rough barked Apple), *Eucalyptus pilularis* (Blackbutt), *Eucalyptus paniculata* (Grey Ironbark), *Syncarpia glomulifera* (Turpentine).
  - vii) Screen planting shall be provided along both side boundaries adjacent to the proposed dwelling, cabana and pool.
  - viii) The proposed retaining walls shall be located a minimum of 1.0 metre off the north western boundary and 0.7 metres off the north eastern side boundary to provide sufficient space for screen planting.
  - ix) The revised position of the cabana.
49. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

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50. The 6 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
51. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

52. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

Tree 1 – *Jacaranda mimosifolia* (Jacaranda)

Front boundary

Tree 2 - *Ulmus glabra* 'Lutescens' (Golden Elm) (Tree

Rear of dwelling

Tree 3 - *Hymenosporum flavum* (Native Frangipani)

Rear of dwelling

Tree – *Magnolia sp*

Front garden north western boundary

Tree 6 – *Eucalyptus species*

Adjoining property, No. 44 Cook Road

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Tree 7 – *Eucalyptus species*  
Adjoining property, No. 44 Cook road

53. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

54. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

55. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
56. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

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- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

57. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

58. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

59. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING**

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60. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
61. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
62. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
63. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
64. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
Tree 1 – <i>Jacaranda mimosifolia</i> (Jacaranda) Front boundary	3.0 metres
Tree 2 - <i>Ulmus glabra</i> 'Lutescens' (Golden Elm) Rear of dwelling	4.0 metres
Tree 3 - <i>Hymenosporum flavum</i> (Native Frangipani) Rear of dwelling	4.0 metres
Tree 4 – <i>Diospyros kaki</i> (Chinese Persimon) South western side of pool	3.0 metres
Tree 5 – <i>Pittosporum undulatum</i> (Sweet Pittosporum) 5m from rear boundary, behind new position of cabana	4.0 metres



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Tree – <i>Magnolia sp</i> Front garden, north western boundary	4.0 metres
Tree 6 – <i>Eucalyptus species</i> Adjoining property, No. 44 Cook Road	4.0 metres
Tree 7 – <i>Eucalyptus species</i> Adjoining property, No. 44 Cook road	4.0 metres

65. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.
66. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED PRIOR TO OCCUPATION

67. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
68. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
69. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified person that the works were carried out in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to occupation.
70. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.

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- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

71. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
72. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
73. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

## BUILDING CONDITIONS

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Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

74. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Retaining walls and associated drainage.
  - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
75. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

76. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
  - a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:

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- i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
- ii. are connected to the mains and have a standby power supply; and
- iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

77. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

78. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

79. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

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C Swanepoel  
**Development Control Officer**

M Miocic  
**Director  
Environment & Regulatory Services**

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## 64 COWAN ROAD, ST IVES - SUPPLEMENTARY REPORT

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To provide a response to matters raised during the site inspection carried out on the 17 January 2004.
<b>BACKGROUND:</b>	On 16 December 2003, Council, at its Ordinary Meeting, resolved to defer consideration of the DA for 64 Cowan Road, St Ives pending a site inspection. The site inspection was held on 17 January 2004.
<b>COMMENTS:</b>	Response to the issue raised during the site inspection is contained within the contents of this report.
<b>RECOMMENDATION:</b>	Approval, subject to conditions.

## PURPOSE OF REPORT

To provide a response to the matter raised during the site inspection carried out on 17 January 2004.

## BACKGROUND AND COMMENTS

On 16 December 2003, Council, at its Ordinary Meeting, resolved to defer consideration of this DA pending a site inspection. The site inspection was held on 17 January 2004 and the following issue was raised:

- 1. Can a condition be included in the recommendation requiring the protection, trapping and correct releasing of any wildlife found on the site during the demolition phase of the development?**

The Application seeks consent for the construction of a detached dual occupancy only. Separate consent (DA 1141/02) for the demolition of the existing dwelling was granted on 23 September 2003. It is therefore recommended that a condition requiring protection, trapping and correct releasing of any wildlife is imposed as a general condition in relation to the construction of the dual occupancy (**see Condition 43**).

## RECOMMENDATION

That Development Application 1142/02 for consent for the construction of a detached dual occupancy development at Lot A, DP 354474, being 64 Cowan Road, St Ives be approved for two years, subject to the following conditions:

1. The development to be in accordance with Development Application No 1142/02 and Development Application plans prepared by Sabton & Son Developers, reference number 43/00/02, Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, dated July and lodged with Council on 5 June 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

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6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. Compliance with the notations overdrawn on the consent plans.
13. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.



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15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
17. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
18. To ensure the development contributes to water conservation in accordance with Council's Dual Occupancy Development Control Code the following water conservation devices shall be provided:
  - Maximum 6/3 litre dual flush cisterns
  - Shower heads with reduced water flow devices
  - Any water systems shall incorporate drip rather than spray mechanisms
19. Any external lighting shall be positioned so that access pathways to the dwelling are illuminated. Light spillage from all external lighting shall be contained within the property boundaries.
20. To ensure adequate protection is provided for the public the site Type A hoardings shall be erected along both the Cowan Road and Killeaton Street frontages of the property and maintained until the landscaping works commence.
21. For stormwater control the accessway directly in front of both garages should be graded away from the door and towards an escape route. The development is to be configured so that overland flow, off the accessway, does not flow towards the garage door.

If the accessway must grade toward the garage, then for stormwater control, a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door and connected to the stormwater drainage system.
22. For stormwater control all paved areas are to be drained to the main drainage system.
23. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system. Drainage crossings of the footway area shall be a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.

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24. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual.

OSD systems are to be provided for both new residences.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

25. The stormwater line in the footway area, from the boundary pit to the kerb and gutter, shall be by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections.

Stormwater drainage lines in the footway, are only permitted in uPVC pipe, from the point where the obvert of the subject pipe, has more than 300mm of cover to the finished ground level. The sections of the pipe laid deeper than 300mm, can be laid in uPVC sewer grade pipe.

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In the drainage line across the footway, where (1) a bend is placed, or (2) where the pipe changes from a uPVC pipe to a RHS, a cleaning eye shall be provided directly upstream of the subject location.

26. Due to the location of the development site, the Applicant shall produce a Traffic Control Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998), addressing all or the following matters where relevant:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee trades person and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools or full time where located near shopping centres.

RTA Concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where located on an arterial road or where parking restrictions are proposed prior to submission with Council.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the above mentioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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27. Vehicular crossing to be a minimum of 3.7 meters wide in accordance with Council's Specification.
28. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
29. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
30. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
31. For the purpose of Council inspections on Council owned land, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
32. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

33. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
34. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
35. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

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Tree/Location

*Quercus robur* (English Oak)

Centrally located on site towards northern site boundary

36. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
37. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

Radius From Trunk

*Quercus* (English Oak)

8.0 metres

Centrally located on site towards northern site boundary

38. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
39. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
40. On completion of the LANDSCAPE WORKS/TREE PLANTING OR SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
41. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
42. To maintain the vigour of the *Quercus robur* (English Oak) to be retained on site an Arborist is to be present during demolition of the existing dwelling to supervise and ensure that NO damage is done to the tree. A report along with documentary evidence of compliance with this condition is to be submitted to Council prior to the issue of the final Certificate of Compliance.
43. Any native wildlife found on site during construction work shall be trapped, protected and released into an appropriate area in accordance with Department of Environment & Conservation, National Parks and Wildlife Service Guidelines.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION

44. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

45. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
46. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
47. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - St Ives	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

48. To ensure the finishes of the proposal are sympathetic with the existing streetscape character Dwelling 1 shall be finished with rendered brickwork and concrete/terracotta roof tiles. Dwelling 2 shall be finished with a mixture of face brick and rendered brick work and concrete/terracotta roof tiles or alternatively rendered brickwork and concrete/terracotta roof tiles. Each dwelling shall be provided with different finishes. Details shall be submitted to the Principal Certifying Authority and approved by a suitably qualified person prior to the release of a Construction Certificate.
49. To reduce the impact of hard surfaces on the streetscape the vehicle crossing shall be reduced to a width of 3.7 metres and the required turning area shall be setback a minimum of 1.5 metres from the eastern boundary to allow for vegetation to be planted. Such planting shall be shown on the landscape plan and be maintained permanently.
50. To improve solar access and ensure the best practicable use of natural light and heating is achieved in accordance with SEPP 53 windows shall be provided to the following rooms:

Northern elevation

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Dwelling 1: Dining room, lounge room and bedroom 2  
Dwelling 2: Family room, kitchen, bedroom 1 and bedroom 4

Eastern Elevation

Dwelling 2: Ensuite and double garage (to reflect that shown on the floor plan)

The windows shall be sympathetic to the sizes and fenestration of windows proposed and be indicated on the Construction Certificate plans.

51. In the Engineering design, the following issues are to be addressed prior to the issue of the Construction Certificate:-

- a. A maneuvering area, on site, is to be provided sufficient to enable vehicles to enter and exit the site in a forward direction.
- b. On Site Detention for both new houses.
- c. Internal Accessway and manoeuvring area sufficient to enable vehicles to enter and exit the site in a forward direction.
- d. Trim and fill the footway in Cowan Road so that it is of a constant grade and not lumpy. Street trees are to remain.
- e. Extend the concrete footpath, (1.2m wide), along the full frontage of Cowan Road.
- f. The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- g. Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- h. A boundary pit is to be provided at the point where the drainage line/s cross the front property boundary.
- i. The stormwater outlet to the street from the Boundary pit to be by way of hot dipped galvanised steel section, of appropriate dimensions, except for that part of the line where the obvert of the pipe is deeper than 300mm.
- j. Earth mounding or timber retaining walls are not acceptable as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.
- k. Where OSD storage is by way of underground storage,
  - A) Inflow pipes to the storage chamber are to be located below inspection grates.
  - B) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.
- l. Drainage design details are to be compatible with the landscaping plans.
- m. Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the Council Landscape Officer's approval, can the Construction Certificate be issued.
- n. The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-



Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

52. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

### **OR**

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

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- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling or visible from any public road.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.
53. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.
54. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
- NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

55. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
56. For any new crossing or driveway works adjacent to the boundary the following will apply.

**DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

57. The applicant is to provide Plans with the Construction Certificate application from a suitably qualified and experienced engineer, detailing the configuration of the footway and footpath crossings. These works are to be configured to comply with:-
  - (i) Trim and fill the footway in Cowan Road so that it is of a constant grade and not lumpy. Street trees are to remain.
  - (ii) Extend the concrete footpath, (1.2m wide), along the full frontage of Cowan Road.
58. The Applicant must carry out the following infrastructure works in the Public Road:
  - a. Trim and fill the footway in Cowan Road so that it is of a constant grade and not lumpy. Street trees are to remain.

- b. Extend the concrete footpath, (1.2m wide), along the full frontage of Cowan Road.

Development Consent under the EP& A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate **MUST NOT** be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council "Roads Act" approval.

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works ". In addition, **the drawings are to detail erosion control requirements and traffic management requirements during the course of works**. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998).

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$3000. The Bond may be in the form of a bank guarantee and must be lodged **prior** to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council's requirements. Council may use part or the entire bond to complete the works to its satisfaction if the works do not meet Council's requirements. After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

NOTE 1: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

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59. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater - Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
60. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

61. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m <sup>2</sup>

62. A plan detailing screen planting of the following shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of following metres.

Southern Site boundary	3.0 metres
Northern site boundary	3.0 metres
Western site boundary of Dwelling 1 (front)	4.0 metres
Western site boundary of Dwelling 2 (rear)	4.0 metres

63. The property shall support a minimum number of 7 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

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64. The 5 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
65. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

66. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

*Quercus robur* (English Oak)

Centrally located on site towards northern site boundary behind Dwelling 1

67. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

68. To preserve the following tree/s, the proposed pier and beam footings near the trees shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The

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piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Quercus robur</i> (English Oak) Centrally located on site towards northern site boundary behind Dwelling 1	8.0 metres

# CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

69. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
70. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
71. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
72. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

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The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

73. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
74. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Quercus robur</i> (English Oak) Centrally located on site towards northern site boundary behind Dwelling 1	8.0 metres
Eucalyptus species x 2 Cowan Road nature strip	3.0 metres

75. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
76. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

77. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
78. To ensure adequate privacy and amenity is obtained for the residents fo the development a 1.8 metre high lapped and capped timber fence shall be erected along the northern boundary adjoining Killeaton Street. The fence shall return in a southern direction at the proposed building line for Dwelling 1 and meet the northern wall of the dwelling. The fence shall be setback 1.0 metre from the property's northern boundary. Softening vegetation shall be planted within this setback.



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79. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
  - a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.
80. Construction of the concrete footpath in Cowan Rd is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or Surveyor is to be submitted to the Principal Certifying Authority prior to occupation, or issue of an Occupation Certificate.
81. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- Invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

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82. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
83. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for the OSD system. The responsibility includes (a) maintenance, (b) upkeep and (c) replacement of the OSD system if it deteriorates to be unserviceable after a time.

84. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
85. The dual occupancy development approved under this determination is to be completed to "lock-up" stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
86. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

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R Josey  
**Development Control  
Officer**

G Bolton  
**Team Leader, St Ives  
Ward**

M Miocic  
**Director  
Environment &  
Regulatory Services**

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## BUS SHELTER - EXHIBITION REVIEW & PROPOSED SITES

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To report the comments and the outcome from the public exhibition on the proposed locations and to determine whether to go to public tender for the provision of bus shelters with advertising.
<b>BACKGROUND:</b>	Two trial shelters were installed in July 2002 and their merits discussed and outlined in past reports. A review followed in a report 3 December and thereafter a usage survey on 1 July 2003. At a Strategic Review Working Party on 19 August 2003 locations were discussed and refined culminating in a report were Council resolved at its meeting on 14 October 2003, to place on public exhibition 30 proposed locations.
<b>COMMENTS:</b>	<p>The exhibition period commenced 29 October and closed 31 December 2003. Advertisements were placed in two papers, coloured maps were displayed in the Council's four libraries and administration building, and letters delivered to 198 residents, 50 businesses and 8 schools nearby.</p> <p>At the close, 31 responses were received. A total of 24 were in support of the provision of bus shelters generally and 7 against.</p>
<b>RECOMMENDATION:</b>	That Council call for public tenders for the removal of existing shelters and the supply, installation and maintenance of new bus shelters. That the results of the tender submissions be reported to Council for selection.

## PURPOSE OF REPORT

To report the comments and the outcome from the public exhibition on the proposed locations and to determine whether to go to public tender for the provision of bus shelters with advertising.

## BACKGROUND

JCDecaux and Adshel were given approval for a trial bus shelter which was installed in July 2002. These shelters have remained installed and operational to date, although the intended trial period was three months. The merits for the implementation of these and further shelters have been detailed in past reports and discussed in meetings, notably:

- Presentation to Council by JCDecaux and Adshel on 13 August 2001.
- Reports to the Council on 30 April and 2 July 2002 for the installation.
- A review of the installation followed in a report on 3 December 2002.
- A usage survey was then reported to Council on 1 July 2003 and the matter referred to a Strategic Review Working Party (SRWP).
- At the SRWP on 19 August 2003 locations were discussed.
- Thereafter, site inspections were undertaken and the list refined to 30 sites.

The list of proposed locations were incorporated into a report, and at its meeting on 14 October 2003 Council resolved:

- A. *That Council places on public exhibition in Council's libraries, administration building as well as placing advertisements in the North Shore Times and Hornsby Advocate, the 30 proposed sites for bus shelter locations as shown on Table 4.0 until the end of December 2003.*
- B. *That information on the proposed bus shelter sites is notified to adjoining owners and residents.*
- C. *That a further report be presented to Council on comments on the proposed locations.*
- D. *That a standard for shelters pertaining to conditions of consent associated with medium density housing being the style and standard supplied by ASF as shown in Appendix D and that ongoing maintenance costs for a 15 year period be borne by applicant.*

## COMMENTS

The exhibition period commenced 29 October and closed 31 December 2003. The period was extended over a two month duration to allow residents on leave to provide submissions. The public exhibition was undertaken using a number of methods:

- Advertisements in the North Shore Times on 29 October and the Hornsby Advocate on 30 October.

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- Large coloured maps to display locations were placed in the Council's four libraries and administration building. Maps incorporated information on the proposed shelters, submissions and frequently asked questions, with response forms provided separately.
- Letters were hand delivered between the 24<sup>th</sup> & 30<sup>th</sup> October to 198 residents, 50 businesses and 8 schools located in areas adjacent and/or opposite to the proposed shelters. Letters contained a map showing the individual location as well as a response form and information on frequently asked questions.
- Full details were placed on Council's internet site with provision to send submissions via email.

**Responses**

The response form was customised with a list of four issues with additional space allowed for individual comments. The purpose of the customised list was to enable these responses to be aggregated easily without need for interpretation. The community was invited to nominate their preference of these issues which was optional, that is they may select yes, no, or none at all.

At the close of exhibition period 31 responses were received. The four issues along with their aggregated number of responses are shown below:

Issue	Yes	No	Neither selected
<i>1. Do you support the provision of bus shelters generally?</i>	(24)	(7)	(-)
<i>2. Do you perceive the shelter is warranted at your site?</i>	(18)	(9)	(4)
<i>3. Are you likely to use the shelter if one is provided ?</i>	(17)	(11)	(3)

The fourth issue was divided into 4 types. This issue and the aggregated number of responses to each type are shown below:

*What benefits do you perceive the shelters to have ?*

Type 1 - Weather protection (23); Type 2 - Comfort (22) ; Type 3 - Security (11).

Type 4 - Other comments: "shelters offered rain protection", "safety from traffic", "possible lowers value of properties". These results show that the majority of responses acknowledged the shelters to have benefits in terms of weather protection and comfort.

Responses were assigned shelter sites correlating to their address as a means to determine support or opposition for individual shelters unless the responses commented otherwise. A summary of the submissions is shown on Table 2.0 as **Attachment A**.

One submission was received after the close of exhibition for the site outside the Corpus Christi Church at 263 Mona Vale Road, St Ives (No 49) and comments regarding this are noted below.

In view of the above, it can be assumed that evidence has not come forward to show that there is overwhelming objection to the proposal to install new bus shelters with advertising panels and therefore it is proposed to proceed to open tender.

## Shelter Sites

Having made this recommendation, however, where submissions and requests included specific shelter sites, those locations were again inspected and the various matters raised were reviewed. From this review, all sites have been reordered into five categories below based on two indicators:

- degree of demand (ie. usage). Usage rates are shown in brackets below based on passengers on the AM peak period shown in brackets, unless shown otherwise, and
- degree of objection. Objection is based upon responses to whether the community perceived the shelter to be warranted at their site, given this issue (2) related to specific sites and therefore was considered to be a more a reliable measure:

### A. *Highest demand with no objection:*

Shelter site No.19 and 46. (Usage of 9 and 15 passengers respectively). No submissions against these locations were received.

Shelter site No.55. (Usage of 20 passengers). One submission was received indicating both support of shelters generally and warranted at the site.

### B. *Highest demand with least objection:*

Shelter site No.50. (Usage of 15 passengers). Three submissions were received for the site, two indicating support of shelters generally and warranted at the site, the other against. The latter submission raised the point about clear lines of sight for vehicle egress from 295 Mona Vale Road. The site was inspected with the owner to discuss shelter location. The front would approximately correspond with the backrest of the existing seat with the rear at the toe of the wall, thereby providing about 60-80 metre sight distance to southbound traffic on the kerb side lane from the driveway. This was considered the minimal acceptable position.

Shelter site No.49. (Usage of 20 passengers). This site is located outside the Corpus Christi Church, at 263 Mona Vale Road, St Ives. Comments indicated that the bus stop was not perceived to be frequently used outside of school hours. However, approval would be considered provided the shelters does not obstruct the visibility of the changeable signboards erected by Corpus Christi. From a site inspection:

- The signboard is oriented at a 45 degrees to the road, facing north and setback 1 metre in from the boundary. It was observed that existing hedges on the boundary and foliage on the tree on the approach partially obscure the signboard.
- The front of the shelter would approximately correspond with the backrest of the existing seat. The shelter may reduce some of the visibility to the signboard but is not considered significant, given the orientation, relative position and proximity of the signboard to the shelter.

It is therefore recommended that site No.49 be retained in the proposal.

*C. Medium – low demand with no objection*

Shelter site No.20. (usage is 3 passengers per hour). Two submissions were received both indicating both support of shelters generally and warranted at the site.

Shelter site No.35 & 38. (usage is 3 passengers per hour). For each, one submission was received indicating both support of shelters generally and warranted at the site.

Shelter site No.31. (usage is 3 passengers per hour). Of the four submissions received in relation to this site, four indicated support of shelters generally and three warranted at the site.

Shelter site No.62. (Usage of 20 passengers). Two submissions were received for this site outside 24 Eastern Arterial Road, situated south of Burraneer Avenue, both indicating that the shelter was warranted at the site and are likely to use it if provided, while only one was in support of shelters generally. However, the site was requested to be relocated north of Burraneer Avenue. The alternate site has sufficient area to accommodate a shelter. Consultation was undertaken with Shorelink who are supportive of this proposal and the matter is to be considered at a future Ku-ring-gai Traffic Committee.

Shelter site No.27. (The site contains an existing shelter, usage is 3 passengers per hour). No submissions was received for this location on Pacific Highway (south east side), Pymble. However, this site has observed to be used by school children and the public.

Shelter site on Werona Avenue, near Gordon Station. (The site contains an existing shelter and was not counted). One submission was received indicating both support of shelters generally and warranted at the site.

Shelter site No.5. (The site contains an existing shelter, usage is indicated as 2 passengers). No submissions was received for this location on Pacific Highway, Lindfield.

*D. Medium demand with least objection*

Shelter site No.16. (usage is 3 passengers per hour). Four submissions were received in relation to this site outside 210 Ryde Road, situated north of Wyuna Road. Of these, three indicated support of shelters generally, with one against, and both two in favour and against in respect to shelters being warranted. Of the two who considered the site warranted, both also indicated they are likely to use it if provided. In one of the submissions against, comments were noted about aesthetics, that it tended to attract vandals and graffiti and possibly lowers values of properties.

Shelter site No.13. (The site was not counted for usage). Two submissions were received for this site outside 7 Babbage Road, both were not in support of shelters generally, and one indicated the shelter was not warranted at the site. Comments noted litter and privacy, and perceived the shelter would be a “vandal and hoodlum encouragement”. The site was inspected, and it was observed that the shelter would be in close proximity to the dwelling of 9 Babbage Road about 1 metre off the boundary wall. Given the above it is therefore recommended that this site be deleted from the proposal.



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Shelter site No.17. (The site was not counted for usage). Three submissions were received for this site outside 213 Ryde Road, all were not in support of shelters generally, and considered the shelter was not warranted at the site. Two submission against the site outside 213 Ryde Road raised the point about clear lines of sight for vehicle egress. From a site inspection, the line of sight is currently restricted by low foliage on trees adjoining the kerb. This is temporary, as trimming of this foliage would resolve the problem. Residents alternately suggested placing the site on the northern side of driveways, locating it outside No.211. By virtue of the level differences in the footway area, a shelter and footpath could not be accommodated at this location. It is therefore recommended that this site be deleted from the proposal on the grounds of the degree of objection and need to maintain sight distance to accelerating vehicles northbound in proximity with Yanko Road.

Shelter site No.32. (usage is 3 passengers per hour). One submission was received for this site, north of Ray Street, Turramurra, against the support of shelters generally and not warranted at the site.

Shelter site No.61. (usage of 5 passengers). One submission was received indicating support of shelters generally but not warranted at the site. This site is located on Horace St outside the entrance to St Ives High School, St Ives.

Shelter site No.41. (usage is 3 passengers per hour). This site is Niteride stop located at Pacific Hwy, North of Ada Ave, Wahroonga. One submission was received indicating support of shelters generally but not warranted at the site.

Shelter site No.34. (usage is 3 passengers per hour). This site is Niteride and Cityrail stop located at Pacific Hwy, south of Marshall Avenue, Wahroonga. One submission was received indicating support of shelters generally but not warranted at the site.

Shelter site No.15. (The site was not counted for usage). This site is located at Clive Street, north of Boundary Road, Roseville Chase. One submission was received in support of all shelters generally but considered that a shelter was not warranted at site No's 15, 16 and 17, the latter two sites on Ryde Road. However it is noted that no submission were received by residents in proximity to this as the responder for this submission resides in Lindfield.

*E. Existing Shelters in St Ives Ward*

During the exhibition period the Director Technical Services and Councillor Bennett undertook a site inspection in St Ives ward and it was suggested that existing Council shelters shown to be replaced in the proposed list instead be retained or replacement be phased in over time. This would reduce the total number of new shelters by 5 to 25 as advertised. Discussions with the respective contractors indicated that the minimum number of shelters to be feasible would be between 20 and 30, however any number less would be considered subject to the Tender specification, contract term and shelter locations.

If these shelters were not to be replaced the number of shelters to be installed would be reduced to 25 (based on the exhibited sites). However, in a report to Council on 1 July 2003 the impetus

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for the consideration of these type of shelters to overcome the shortcomings of the current shelters was noted. It is considered appropriate to maintain a consistent style of shelter to establish a visual identity and reduce Council's maintenance obligations. It is suggested that the installation be gradually phased in over 3 years. Listed below are the five shelters considered:

*I. Sites with high demand and no objections*

Shelter site No.47 and 52. (Usage of 25 passengers for each). These sites are located on Mona Vale Rd, one north of Memorial, and one outside Brigidine College, St Ives respectively. No submissions were received for these locations.

Shelter site No.54. (Usage of 25 passengers). Three submissions were received for this site on Mona Vale Rd, outside Sydney Grammar, St Ives, both were in support of shelters generally, and warranted at the site.

*II. Sites with medium -low demand with no objections*

Shelter site No.53 and 57. (Usage is 3 passengers per hour and 6 passengers respectively). These sites are located on Mona Vale Rd, north of Woodbury Road and south of Kitchener Road, St Ives respectively. No submissions were received for these locations.

A request was received for an additional shelter on the eastern side of Mona Vale Road, opposite Telegraph Road (corresponding to Site No.42 on previous reports). The footway width can accommodate a shelter with front access only and the site does not impact on site distance for properties to the south. It is therefore recommended that the site be included in the proposal.

**Litter**

Several submissions raised the concerns of litter generated at existing bus shelters. The supply, installation, cleaning and maintenance of litter bins, can either to be undertaken by contractor or by Council. However, discussion with the respective contracts have raised a few issues:

- The additional cost of the capital for the bins, installation, cleaning and maintenance costs will decrease Council's financial benefit, as contractors need to factor in these additional costs.
- The frequency of cleaning shelters and cleaning bins are different. Bins may require emptying more than once a week compared to shelters undertaken on a weekly basis. Contractors do not have the resources to send staff daily to attend to the removal of rubbish.

Discussion with Council's Waste Manager indicates street bins can be serviced at a frequency from 1 to 7 times per week. The decision on the frequency rests with the Asset Managers (Infrastructure) and depend on the service need, while location of bins will need to be considered in light of safety.

As the amount of litter generated at each site cannot be quantified with certainty, it is preferred to monitor the litter generated over a 12 month period from the installation date for each new shelter site to determine if bins are then warranted. Should bins be required, it is then recommended that

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the provision and cleaning of bins be undertaken by Council in view of the issues above, and that revenue raised by these shelters be used to fund the cleaning.

### Proposed installation and phasing schedule

From the list of recommended sites for the exhibition period, Table 1.0 has been prepared showing the modified list and phasing schedule of new shelters based on the above review.

**Table 1.0 Recommended locations and phasing schedule**

Ward	Shelter No.	Location	Existing	Requeste	Niteride	Cityrail	Shelter Type
<b>Stage 1</b>							
St Ives	62	Eastern Arterial Rd, Nr Burraneer, St Ives					Advertising
St Ives	55	Mona Vale Rd, St Ives Plaza, St Ives					Advertising
St Ives	50	Mona Vale Rd, Sth of Douglas, St Ives					Advertising
St Ives	49	Mona Vale Rd, o/s Catholic Church, St Ives					Advertising
St Ives	46	Mona Vale Rd, East of Rosedale, St Ives					Advertising
St Ives	47	Mona Vale Rd, Nth of Memorial, St Ives					Advertising
St Ives	42	Mona Vale Road, opp. Telegraph Road, St Ives(4)					Advertising
Comenarra	19	Ryde Rd, Sth of Shaddock, W Gordon (6)					Non -Adv.
Gordon	20	Ryde Rd, o/s Gordon West PS (4),(5), (6).					Advertising
Comenarra	31	Pacific Hwy, Sth of Duff St (5)					Advertising
<b>Stage 2</b>							
St Ives	52	Mona Vale Rd, o/s Brigidine College, St Ives (6)					Advertising
St Ives	54	Mona Vale Rd, o/s Sydney Grammar, St Ives (6)					Advertising
St Ives	61	Horace St o/s St Ives High School (6), St Ives					Advertising
Roseville	14	Addison Ave NR Babbage, Roseville Chase					Advertising
Gordon	16	Ryde Rd, Nth of Wyuna Rd, West Gordon					Advertising
Comenarra	34	Pacific Hwy, Sth of Marshall, Wahroonga					Advertising
Wahroonga	40	Pacific Hwy, Nth of Coonanbarra, Wahroonga					Advertising
Comenarra	41	Pacific Hwy, Nth of Ada Ave, Wahroonga (6).					Advertising
Wahroonga	38	Pacific Hwy, Sth of Woodville , Wahroonga (6).					Advertising
Gordon	27	Pacific Hwy, (south east side), Pymble					Advertising
<b>Stage 3</b>							
St Ives	57	Mona Vale Rd, Sth of Kitchener, St Ives					Advertising
St Ives	53	Mona Vale Rd, Nth of Woodbury, St Ives					Advertising
Roseville	15	Clive St, Sth of Malvern, Roseville Chase					Advertising
Wahroonga	35	Pacific Hwy, Nth of Eulbertie, Wahroonga					Non -Adv.
Comenarra	32	Pacific Hwy, Nth of Ray, Turrumurra					Advertising
Roseville	5	Pacific Hwy, opp Bent St, Lindfield					Advertising
Gordon		Werona Ave, o/s Rail Station, Gordon.					Non -Adv.
Roseville		Lindfield Ave, opp. Tyron Rd and opp. Kochia Ln, Lindfield.					Non -Adv. Non -Adv

(4) Olympic Park bus stop ; (5) Existing trial bus stop ; (6) Outside or near School

## **Provision of ASF bus shelters associated with Development**

As discussed in the report of 14 October 2003, the provision of non-advertising shelters is increasing in the Ku-ring-gai LGA either by conditions of consent or by court ruling by virtue medium density development. Although the capital payment is made by developers the shelters will be owned by Council who will also bear the onus for cleaning and maintenance.

For this reason, Council's resolution Part D (above) will ensure that future shelters are to be conditioned requiring maintenance costs for a 15 year period to be borne by the applicant, provided this condition is explicitly required by Council or by Court ruling. In respect of this condition, the Development Control Department was advised on 17 October 2003 of this resolution with the cost of \$16,500 indicated for this purpose based on maintenance costs quoted to Council of \$1,100 per shelter, per year payable annually in advance if undertaken by contract with Adshel.

However, 5 ASF Classic shelters are scheduled for installation but maintained by Council, with one currently installed. Adshel have offered a proposal designed to alleviate this cost and includes:

- To convert Council's new ASF shelter into advertising shelters.
- Adshel shall clean and maintain the shelter and lightbox.
- Provision of courtesy lighting.
- Payment to Council of \$1,000 per shelter per annum.

This offer has merits but would only be relevant if Council decided to proceed to open tender and Adshel were the successful Tender.

## **CONSULTATION**

The public exhibition was undertaken in accordance with Council's resolution. In order to invite submissions during the exhibition period a response form and information on frequently asked questions was prepared. Site meetings were held with residents to address concerns at Site No.17, (opposite Wyuna Avenue, West Pymble) and Site No.50 (located south of Douglas Street, St Ives).

Additional consultation with Adshel and JCDecaux was undertaken regarding the provision of rubbish bins at new sites, and discussion with Shorelink regarding relocation of the bus stop.

## **FINANCIAL CONSIDERATIONS**

As discussed in previous reports, there is an economic benefit in terms of revenue as a share of the advertising to Council. The value cannot be determined presently as it depends on the contract term, shelter numbers and their location.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Council's waste section have supplied information on waste collection frequency.

## SUMMARY

As resolved at the meeting on 14 October 2003, Council has placed on public exhibition the proposed 30 sites for the installation of illuminated advertising and non-advertising bus shelters. The period commenced on 29 October and closed 31 December 2003. The sites were widely exhibited, involving advertising in two local papers, large colour displays in the four libraries as well as the Council administration building, 256 letters (comprising residents, businesses and schools) and on Council's internet site.

At the close, 31 responses were received, 24 were in support of the provision of bus shelters generally and 7 against. In terms of the shelters being warranted at the sites and the likelihood of their use, the majority were in support compared with those against. In light of responses, there is no overwhelming objection to the proposal and therefore it is proposed to proceed to open tender.

Where objections were received for specific locations these have been addressed by undertaking site meetings, inspections and further consultation. A request to remove the existing shelters for replacement from the proposal in the St Ives Ward would impact on 5 shelters. The impetus for the replacement of these shelters was based upon the need to maintain a consistent visual identity and reduce Council's maintenance obligations. The outcomes of this review are summarised below:

- Site No's 17 (outside 213 Ryde Road) and No.13 (outside 7 Babbage Road) be deleted.
- Site No 62 (outside 24 Eastern Arterial Road) be relocated north of Burraneer Avenue.
- Site No's 49 and 50 (on Mona Vale Road) be retained.
- Site No.42 (on Mona Vale Road, opposite Telegraph Road) be added.
- Site No's 47, 52, 53, 54, and 57 be gradually phased in over a period of 3 years.

Overall, a revised total of 29 proposed sites are recommended to be phased in over a period of 3 years as shown on Table 1.0. Of these 29 shelters, 24 incorporate illuminated advertising that include the 2 trial shelters currently, with the remaining locations for 5 non-advertising shelters.

While concerns of litter generated at existing bus shelters were raised it is preferred to monitor the litter generated over a 12 month period in order to determine if the inclusion of rubbish bins are warranted. The supply, installation, cleaning and maintenance of litter bins is considered more beneficial to be undertaken through the Council waste collection process, being preferred on the grounds of cleaning frequency and financial position.

The provision of non-advertising shelters associated with development has resulted in a future burden of maintenance costs on Council for 5 shelters scheduled to date. For future shelters required by conditions, Part D of Council's resolution of 14 October 2003 was aimed at accounting for this issue. Adshel have offered a proposal designed to alleviate these costs, enhance the shelters at no cost and provide Council with additional revenue. However this offer would only be relevant if Council decided to proceed to open tender and Adshel were the successful Tender.

## RECOMMENDATION

- A. That options of Tender Documents be prepared for calling Tenders based on a contract for either 10, 15 or 20 year term taking into account the locations detailed in Table 1.0, and that the General Manager be delegated authority to call for open tenders for the supply, installation and maintenance of advertising and non-advertising bus shelters, including the removal and disposal of existing shelters.
- B. That a further report be presented to Council for selection of Tenderers.

Ian Taylor  
MANAGER SUPPORT SERVICES

Greg Piconi  
DIRECTOR TECHNICAL SERVICES

**Attachments:      Attachment A - Table 2.0 Response Form Summary**

**Table 2.0 Response Form summary**

Suburb	Site	Form No.	Support? y	Support? n	Warranted? y	Warranted? n	Use? y	Use? n	Benefits? Weather	Benefits? Comfort	Benefits? Security	Benefits? Other	Remark
St Ives	55	1	1		1			1	1	1	1	1	Advertising
W Pymble	16	2	1		1		1		1	1		1	Safety fr traffic
E Roseville	13	3		1		1		1					Badly needed
W Pymble	17	4		1		1		1	1	1			Concern for litter & vandals Move to under shop awnings
St Ives	50	5		1		1		1					No clear line of site to reverse onto Ryde Rd
Turramurra	32	6		1		1		1	1				Concerned that shelter will restrict line of site to MVR
Turramurra	31	7	1		1		1		1	1			Nil
Gordon	8	8	1		1		1		1	1		1	Constant daily litter - not cleaned reguarly
St Ives	50	9	1		1		1		1	1			Nil
St Ives	54	10	1		1		1		1	1			Very good idea.Make the area look better.Money earner for Council
St Ives	54	11	1		1		1		1	1		1	Great idea
St Ives	54	12	1		1		1		1	1			Nil
St Ives	50	13	1		1		1		1	1		1	Nil
St Ives	61	14	1			1		1	1	1			Not warranted only small amount of people use bus stop opposite.If one had to be built use of reserve corner would be better.Worried about graffiti/vandalism
St Ives	62	15		1	1		1		1	1		1	Vandalism/Damage/ Graffiti. Put bus stop on reserve with slip lane for buses.
W Pymble	20	16	1		1		1		1	1		1	Must have"RUBBISH BINS"
W Pymble	17	17		1		1		1	Maybe				No clear line of site onto Ryde Rd
W Pymble	16	18	1		1		1		1	1		1	Rain protection
Wahroonga	38	19	1		1		1		1	1		1	Very good idea.
Wahroonga	41	20	1			1	1		1	1		1	Nil
Warrawee	35	21	1		1			1	1	1			Is there buses from Hornsby to Chatswood
	all except 16,17 & 15												Regards Adds as graffiti , visual pollution.
Lindfield	15	22	1										3 shelters sites on Ryde Rd and near Wyuna not recommended.
St Ives	62	23	1		1		1		1	1			Better to move shelter nrth of Buraneer
West Pymble	20	24	1		1		1		1	1			Delayed buses in peak times
St Ives	46	25	1										Site well used by school children, elderly, dissability.
Wahroonga	34	26	1			1		1	1	1			Object to the change in length and lack of consultation with the bus zone on MVR near shops.
West Pymble	16	27	1			1		1					Unecessary use of council resources. Sto is for Rta and not permanent stop. Advert shelters should be restricted to commercial areas.
Turramurra	31	28	1		1		1		1	1		1	Detract from character of Ku-ring-gai. Current bus stop is unobtrusive
Turramurra	31	29	1		1		1		1	1			Seating good for less mobile and elderly people
Turramurra	31	30	1					1					Shelters At Rohini St filthy with rubbish.
Roseville chase	13	31		1									Shelter across f'path.
St Ives	49	32	1			1		1	1	1		1	encourage hooligans, anti social behaviour
Totals			24	7	18	9	17	11	23	22	11		Stop not frequently used outside of school hours. Considered approval provided shelters don't obstruct the visibility of changeable signboards erected by Corpus Christi.
Percentages													

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## REVIEW OF COMMUNITY SERVICES FACILITIES

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To review the usage and inhibitions to usage of Council's Community Services Facilities consistent with Council's Management Plan.
<b>BACKGROUND:</b>	Council's Community Services facilities include 4 libraries, 15 children's centres, 8 community centres, and 6 community halls and 6 meeting rooms that are available for use for a variety of purposes.
<b>COMMENTS:</b>	<p>Community Services is committed to the process of continually improving its facilities and uses the following methods to help achieve this.</p> <ul style="list-style-type: none"><li>• Hirer surveys</li><li>• Condition audits</li><li>• Safety audits</li><li>• Utilisation statistics</li><li>• Comparable hire rates</li></ul>
<b>RECOMMENDATION:</b>	That the report be received and noted.



## PURPOSE OF REPORT

To review the usage and inhibitions to usage of Council's Community Services Facilities consistent with Council's Management Plan.

## BACKGROUND

Council's Community Services facilities include 4 libraries, 15 children's centres, 8 community centres and 6 community halls and 6 meeting rooms that are available for use for a variety of purposes.

Hirers use the facilities for purposes such as:

- Leisure activities  
Including martial arts, general fitness, gardening, yoga, art, dance, ballet music and language.
- Social functions  
Sporting bodies, support groups, religious activities, seniors support and interest groups.
- Exhibitions and sales  
From community groups to commercial sales.
- Children's services  
Kindergartens and pre-school activities.
- Family functions  
Birthday parties, weddings, anniversaries and engagements.
- Community activities  
Blood bank, Council related meetings, education and school use.

Council also operates three Seniors Centres at Turramurra and Lindfield that are utilised not only for seniors activities but also for a variety of community purposes.

## COMMENTS

Community Services is committed to the process of continually improving its facilities and uses the following methods to help achieve this.

- Hirer surveys
- Condition audits
- Safety audits
- Utilisation statistics
- Comparable hire rates

### Hirer Surveys

There are currently 79 permanent hirers of Council's halls and meeting rooms, 22 of whom hire the senior centres at Turramurra and Lindfield. Permanent hirers are those who use a facility for more than 30 hours per annum.

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Permanent hirers are surveyed annually to determine whether the facilities they use are meeting their needs. The survey has been designed to measure the satisfaction levels of users and identify areas of the service that require further action or improvement. Components of service that score lower than a 75% satisfaction rating are those that require attention.

An analysis of the survey returns indicated that the average performance for individual components over all facilities was above 75%, with the average of each facility also above 75%. Due to a low response rate from users of East Lindfield Community Hall the result has been classified as unreliable.

The survey returns indicated that the performance variation for some areas of the service fell below 75%. These components of service and facilities concerned are listed below:

**Parking**

Ku-ring-gai Town Hall  
St.Ives Community Hall  
Ku-ring-gai Library Meeting Room  
St.Ives Library Meeting Room  
Lindfield Seniors Centre  
Ku-ring-gai Community Groups Centre Meeting Room

**Signage**

West Pymble Hall  
Ku-ring-gai Town Hall  
St.Ives Community Hall  
Ku-ring-gai Community Groups Centre Meeting Room  
Ku-ring-gai Library Meeting Room

**Storage**

West Lindfield Hall  
St. Ives Community Hall  
Ku-ring-gai Community Groups Centre Meeting Room  
Ku-ring-gai Library Meeting Room

**Lighting**

West Pymble Hall

**Cleaning**

East Roseville Hall  
St. Ives Library Meeting Room

**Maintenance**

East Roseville Hall  
St. Ives Library Meeting Room

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**Ventilation**

St. Ives Library Meeting Room  
St. Ives Community Hall

**Access**

Ku-ring-gai Community Groups Centre Meeting Room

Where appropriate and feasible, action will be taken to bring these areas of the facility/service up to the required standard. Some of the rectification work, especially in the areas of parking, ventilation and storage require significant capital works funding. Requests for improvements to community facilities will be integrated into Council's 2004 budget Capital Works Program.

Due to the low response rate, the results in some instances may not provide a true indication of the performance of the facility or service. A further survey including casual hirers will be carried out in early 2004 that will also take into account seasonal factors such as weather conditions and high demand for shopper parking.

**Condition and Safety audits**

The recent audit of Council buildings has enabled a structured building maintenance program to be developed and implemented. Areas identified consisted of:

- Access and Egress
- BCA Compliance
- Health & Safety
- Air Conditioning
- Waterproofing
- Structure
- General Repairs
- Furniture & Fittings
- Finishes
- Vandalism
- Surrounds

Items identified from these areas as requiring attention have been incorporated into the building maintenance program. This process has enabled identified structured maintenance and improvements to be carried out to all community facilities.

In addition Community Services have also consulted with all users of its facilities and sought their input into the building improvement and maintenance program. The findings of these consultations are being addressed progressively and incorporated into the building maintenance program.

**Safety audits**

Safety inspections are carried out by Community Services on its halls and meeting rooms in order to ensure that Council is providing a safe venue for hirers. Areas highlighted in these inspections are:

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- Floors  
Are they even, free from trip hazards and liquids.
- Stairs  
Are they clear of obstructions and designed in a way to give adequate footing.
- Housekeeping  
Are walkways clear of obstructions and materials stored safely.
- Electrical  
Are switchboards and electrical equipment including power points, light fittings and power cords in a safe condition and regularly maintained.
- Lighting  
Are areas adequately lit.
- Storage Areas  
Is there clear access to stored items.
- Fire/Emergency Control  
Is all fire fighting equipment regularly serviced, easily accessible and appropriately tagged.  
Are emergency exits free of obstructions, easily opened and adequately identified.
- Entrances and Surrounds  
Are these areas accessible and unobstructed.

These inspections supplement the building audits carried out by Technical Services earlier in the year and are carried out on a quarterly basis. Any identified risks are recorded and acted upon through the Customer Request System.

### Utilisation statistics

Utilisation statistics are maintained for Council's community halls and meeting rooms on a monthly basis. The number of hours that a facility is used/hired is recorded and compared to previous periods.

Utilisation statistics for the periods July to June 2001-2002 and 2002-2003 indicate an increase in hourly usage of approximately 8%. All venues showed an increase in usage other than East Lindfield. Increase/decrease percentages in the use of each venue are:

<b>East Lindfield Hall</b>	21% decrease
<b>West Lindfield Hall</b>	1% increase
<b>West Pymble Hall</b>	15% increase
<b>St. Ives Hall</b>	7% increase
<b>East Roseville Hall</b>	0.5% increase
<b>Ku-ring-gai Town Hall</b>	18% increase
<b>Ku-ring-gai Library Meeting Room</b>	7% increase
<b>St. Ives Library Meeting Room</b>	52% increase
<b>Ku-ring-gai Community Groups Centre Meeting Room</b>	53% increase

The loss of a permanent hirer at any of Council's facilities, as with East Lindfield, can have a significant impact on the utilisation figures for a particular financial year.

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## 2001 - 2002

Hall/ Meeting Room	East Lindfield Hall	West Lindfield Hall	West Pymble Hall	St Ives Hall	East Roseville Hall	K'gai Town Hall	Ku-ring-gai Library Meeting Room	St Ives Library Meeting Room	K'gai Community Groups Centre
Date	Hours								
July 2001	219	146.5	163	209	113	178	112.5	71.5	32
Aug 2001	137	241.5	92	121	212	98	170	84.5	39
Sept 2001	137	233.5	77	137	188	156	113	68.5	22
Oct 2001	201	158.5	155	210	130	108	156.5	64	32
Nov 2001	134	233	121	140	223	90	178	64.5	26
Dec 2001	75	170	98	80	135	70	88	56.5	10
Jan 2002	71	69.5	236	206	36	25	75	84	11
Feb 2002	108	216	150	130	189.5	88	133	90	30
March 2002	136	221	162	129	180	60	149.5	99	32.5
April 2002	222	144	206	202	109	158	117	87	32
May 2002	145	230	204	142	218	206	168	92	39
June 2002	144	213	182	133	172	233	142	101	38
<b>Total</b>	<b>1729</b>	<b>2279</b>	<b>1846</b>	<b>1839</b>	<b>1906</b>	<b>1470</b>	<b>1604</b>	<b>965</b>	<b>344</b>

## 2002 - 2003

Date	Hours								
July 2002	114	162	264	235	132	344	138	119	24
Aug 2002	137	235	191	161	204	171	170	128	32
Sept 2002	130	218	190	139	179	248	134	148	27
Oct 2002	114	169	254	199	134	124	163.5	158.5	62
Nov 2002	148	235	191	152	165	206	189.5	158	49
Dec 2002	72	166	117	97	138	41	97	119.5	21
Jan 2003	31	52	230	276	52	23	75.5	92.5	37
Feb 2003	118	226	151.5	122	191.5	36	149	117.5	65
March 2003	142	241	172	157	209	166	165	116	66
April 2003	95	138	188.5	162	114	123.5	114	91.5	37
May 2003	138	237	91	128	219	127	169	111.5	57
June 2003	136	223	89	134	178	120	147	108	48
<b>Total</b>	<b>1375</b>	<b>2302</b>	<b>2130</b>	<b>1962</b>	<b>1916</b>	<b>1730</b>	<b>1713</b>	<b>1471</b>	<b>525</b>

Comparable statistics for the period July to December 2002 and 2003 indicate a decrease in the overall hourly usage of approximately 10%. This can be attributed to the loss of permanent hirers at East Lindfield, West Pymble and the Ku-ring-gai Town Hall.

## 2003

Hall/ Meeting Room	East Lindfield Hall	West Lindfield Hall	West Pymble Hall	St Ives Hall	East Roseville Hall	K'gai Town Hall	Ku-ring-gai Library Meeting Room	St Ives Library Meeting Room	K'gai Community Groups Centre
Date	Hours								
July 2003	110	165	171	212	130	252.5	162	121.5	71
Aug 2003	123	237	98	144	193	271	186	114.5	67
Sept 2003	111	234.5	94.5	159	188	114	147.5	106	74
Oct 2003	97	180	156	206	153	51	160.5	111.5	69
Nov 2003	127.5	227	85	142	203	127.5	184.5	103.5	62
Dec 2003	84	179	64.5	102	138	84	102	87	38
<b>Total</b>	<b>644</b>	<b>1222.5</b>	<b>669</b>	<b>965</b>	<b>1005</b>	<b>900</b>	<b>942.5</b>	<b>644</b>	<b>381</b>

## Same period 2002 – 2003

Hall/ Meeting Room	East Lindfield Hall	West Lindfield Hall	West Pymble Hall	St Ives Hall	East Roseville Hall	K'gai Town Hall	Ku-ring- gai Library Meeting Room	St Ives Library Meeting Room	K'gai Community Groups Centre
<b>Total</b>	<b>715</b>	<b>1185</b>	<b>1207</b>	<b>983</b>	<b>952</b>	<b>1134</b>	<b>892</b>	<b>731</b>	<b>215</b>

**Comparable hire rates**

Hall and Meeting room hire rates have been obtained from other Councils and organisations with similar facilities. Taking into consideration Council's discounted fee structure it appears that Council's fees are comparable with other Councils.

As other organisations within Ku-ring-gai appear to structure their fees based on Council rates they are in a position to hire their halls at a competitive rate.

**Public Liability Insurance**

Council's Conditions of Hire for Community Halls and Meeting Rooms require that all hirers hold current public liability insurance for no less than ten million dollars (\$10,000,000). This is also a requirement for any organisation who lease or licence any of Council's facilities.

Casual hirers have the option of holding their own policy, which requires them to provide Council with a certificate of currency naming Ku-ring-gai Council as an interested party.

They also have the option of paying a fee (\$50) and be covered under Council's public liability insurance policy. This fee is considered reasonable as it falls in the medium range with that of other Councils. Council's insurance brokers do not allow casual hirers to use their personal public liability cover for this purpose as some organisations do.

This option is not available to incorporated bodies, sporting clubs, associations of any kind and any profit making/commercial activities. These groups, along with any tenants of Council's facilities are required to hold their own public liability cover.

This may be a disincentive for smaller organisations wishing to hire facilities as the recent increases in public liability premiums may prohibit these groups from obtaining such cover.

**CONSULTATION**

Users of Council's facilities have been consulted through the hirer survey with the results of that survey used in the preparation of this report.

Community Services have also carried out a building checklist with the users of its facilities. The findings of these inspections have been addressed or incorporated into the building maintenance program.

## FINANCIAL CONSIDERATIONS

As previously mentioned the loss of permanent hirers has decreased the usage of some halls, consequently reducing the revenue from those facilities. While Council's discounted fee structure makes its fees competitive with similar facilities this does impact on available revenue. Discounts of up to 75% are offered to suitably qualified users. While the provision of these discounted fees has obvious benefits to the community this financial assistance needs to be measured with the loss in revenue to Council. This matter will be considered in the next fees and charges review.

It is relevant to note that a commercial hirer who has previously utilised the Town Hall for sales, exhibitions etc. has located to the showground attracted by hire rates of up to 50% less than the town hall.

The development and implementation of a marketing plan will hopefully increase the usage rate of Community Services facilities.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None in the preparation of this report or the organisation and analysis of the hirer survey and utilisation statistics. Consultation will however continue to take place with Finance and Business Development, Technical Services and Open Space regarding the enhancement of community facilities.

## SUMMARY

Consistent with Council's Management Plan, utilisation statistics and surveys have been undertaken to determine any inhibitions to the usage of Council's Community Services facilities.

Hirers use the facilities for a variety of purposes that include leisure, recreation and community activities, social and family functions, exhibitions and sales and children's services.

Community Services is committed to the process of continually improving its facilities and uses the following methods to help achieve this:

- **Hirer surveys**  
Surveys are designed to measure the facility and service provided against the expectations of its users. Components of the service that score below 75% are those that require attention. An analysis of the survey returns indicates that the average performance for all components over all facilities was above 75%. Areas requiring attention included signage and parking. Where appropriate and feasible, action will be taken to bring these areas up to the required standard.
- **Safety and Condition audits**  
The recent audit of Council buildings has enabled a structured building maintenance program to be developed and implemented. In addition Community Services have also conducted building checklists in consultation with users of its facilities. The findings of

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these inspections are being addressed progressively and incorporated into the building maintenance program.

Safety inspections are also a component of this process to ensure that Council is providing safe venues for users. Any identified risks are recorded and acted upon through the customer request system.

- Utilisation statistics

Utilisation statistics are kept for Council's community halls and meeting rooms on a monthly basis, with the number of hours that a facility is used/hired recorded.

Utilisation statistics for the past two financial years indicate an overall increase in usage of approximately 8%, from 13,982 hours in 2001/02 to 15,124 hours in 2002/03. All venues showed an increase other than East Lindfield.

- Comparable hire rates

A comparison Hall and Meeting room fees and charges hire rates has been carried out with other Councils with similar facilities. Taking into consideration Council's discounted fee structure it appears that Council's fees are comparable with other Councils.

Council's public liability insurance fee charged to casual hirers is also considered reasonable as it falls in the medium range with that of other Councils. Council's insurance brokers do not allow casual hirers to use their personal public liability cover for this purpose as some other organisations do.

The information gathered in this process will be used to implement a marketing plan to further promote the use of Council's community facilities.

## RECOMMENDATION

That the report be received and noted.

Stephen Plumb  
Community Facilities Coordinator

Janice Bevan  
Director Community Services

**Attachments:**

- 1. Facility Management Plan**
- 2. Community Halls and Meeting Rooms Fees and Charges schedule 2003/2004**



# FACILITY MANAGEMENT PLAN

## COMMUNITY SERVICES FACILITIES

2003 - 2004



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## AIM

The aim of the Facility Management unit is to provide multipurpose accessible facilities for all members of the community. Using the findings of the recently completed building condition audit, priority issues have been identified and maintenance programs developed to achieve the aim. Utilisation rates and user statistics will also be used to facilitate the aim.

## FACILITIES

Councils' community facilities can be categorised into the following areas:

- **COMMUNITY BUILDINGS**

### Community Centres

PROPERTY	LOCATION
<b>St.Ives Community Groups Centre</b>	177 Rosedale Road, St.Ives
<b>Ku-ring-gai Neighbourhood Centre</b>	11-21 Cowan Road, St.Ives
<b>YMCA Hall, St.Ives</b>	4 Porters Lane, St.Ives
<b>Turramurra Support Services Centre</b>	7 Gilroy Road, Turramurra
<b>Boonah Creative Arts Centre</b>	27 Philip Mall, West Pymble
<b>Ku-ring-gai Arts Resource Centre</b>	1186 Pacific Highway, Pymble
<b>Lifestart co-operative</b>	5-7 Eastern Road, Turramurra
<b>Hornsby Ku-ring-gai Lifeline &amp; Community Aid Inc.</b>	4 Park Avenue, Gordon

### Libraries

PROPERTY	LOCATION
<b>Ku-ring-gai Library</b>	1/799 Pacific Highway, Gordon
<b>Turramurra Library</b>	5 Ray Street, Turramurra
<b>St.Ives Library</b>	11-21 Cowan Road, St.Ives
<b>Lindfield Library</b>	265-271 Pacific Highway, Lindfield

- **CHILDRENS SERVICES**

PROPERTY	LOCATION
<b>Gordon Pre-School Centre</b>	2a Park Avenue, Gordon
<b>Bradfield Park Child Care Centre</b>	51-53 Bradfield Road West Lindfield
<b>Barra Brui Pre-School</b>	2a Burraneer Ave. St.Ives
<b>Fox Valley Kindergarten</b>	116 Fox Valley Road, Wahroonga
<b>Killara Park Kindergarten</b>	72a Springdale Road, Killara

<b>South Turramurra Pre-School</b>	10a Auluba Road, South Turramurra
<b>Wahroonga Pre-School</b>	60 Coonanbarra Road, Wahroonga
<b>West Pymble Pre-School</b>	30 Loberg Road, West Pymble
<b>Pymble Playgroup</b>	57 Merrivale Road, Pymble
<b>Pymble Turramurra Kindergarten</b>	21 Handley Avenue, Turramurra
<b>Roseville Kids Care</b>	4 Babbage Road, Roseville
<b>St.Ives Pre-School Kindergarten</b>	29 Garrick Road, St.Ives
<b>St.Ives Occasional Care</b>	261 Mona Vale Road, St.Ives
<b>Thomas Carlyle Children's Centre</b>	2a Carlyle Road , East Lindfield
<b>Family Day Care Resource Centre</b>	1a Acron Road St.Ives

## **HALLS & MEETING ROOMS**

<b>PROPERTY</b>	<b>LOCATION</b>
<b>Ku-ring-gai Town Hall</b>	1186 Pacific Highway, Pymble
<b>St.Ives Community Hall</b>	Village Green Parade, St.Ives
<b>East Roseville Community Hall</b>	4-12 Babbage Road, Roseville
<b>East Lindfield Community Hall</b>	9 Wellington Road, East Lindfield
<b>West Pymble Community Hall</b>	32 Lofberg Road, West Pymble
<b>Ku-ring-gai Library Meeting Room</b>	799 Pacific Highway, Gordon
<b>Ku-ring-gai Town Hall Meeting Room</b>	1186 Pacific Highway, Pymble
<b>St.Ives Library Meeting Room</b>	Village Green Parade, St.Ives
<b>Ku-ring-gai Community Groups Centre Meeting Room</b>	177 Rosedale Road, St.Ives
<b>Hamilton Park Meeting Room</b>	1 Barellan Avenue, Turramurra
<b>Performing Arts Resource Centre Meeting Room</b>	1186 Pacific Highway, Pymble

## **• SENIORS CENTRES**

<b>PROPERTY</b>	<b>LOCATION</b>
<b>Turramurra Senior's Centre</b>	1 Gilroy Road, Turramurra
<b>Lindfield Senior's Centre</b>	259-275 Pacific Highway, Lindfield
<b>Lindfield Senior's Resource Centre</b>	259-275 Pacific Highway, Lindfield

## **SCOUT & GUIDE HALLS**

Council is the owner and manages reserve trusts of land on 16 sites currently occupied by Girl Guides and Boy Scout facilities. These sites are leased at peppercorn rentals to those associations, with the management and maintenance of the facilities controlled by the individual groups.

Council does not manage or maintain these buildings.

## **MANAGEMENT**

The management of Councils' community facilities is guided by a number of policies, plans procedures and programs. The following documents are used in this process.

### **PLANS OF MANAGEMENT**

Councils' facilities are covered by Plans of Management specific to those sites, where that site is categorised as community land. The following Plans of Management are applicable:

- **Generic Children's Services**
- **Community Halls and Meeting Rooms**
- **Ku-ring-gai Performing Arts Resource Centre**
- **Community Groups Centre and Car Park, St.Ives**
- **Lindfield Library Site**

These Plans set out the guidelines as to how those sites are used and managed and form the basis for management of those sites.

### **POLICY FOR LEASING COUNCIL PROPERTY TO COMMUNITY ORGANISATIONS**

The intent of this Policy is to improve the social well being and lifestyle opportunities available to the community and to provide a framework for managing Councils' facilities. A rental rebate is offered to community organisations that provide services of significant benefit to the community.

Included in the Policy is the requirement that a public expression of interest process be carried out for properties, leased to community organisations, prior to the expiration date or when properties become vacant. This process provides community organisations the opportunity to gain access to Councils' facilities and allows Council the opportunity to access demand and need for Council community services.

### **FEES AND CHARGES**

Councils' Fees and Charges outline the costs associated with hiring Council facilities established for each fee. The majority of fees are motivated by community service obligations "where fees may be discounted below the cost of the service if that service is seen to provide an external benefit to the community." Within the current fee structure a variable discount rate is applied to community groups hiring Council facilities.

## **MANAGEMENT PLANS**

Facility management plans have been developed for multi use community buildings to ensure that they are effectively managed and maintained. Management plans are in place at:

- 177 Rosedale Road St.Ives, St.Ives Community Groups Centre.
- 7 Gilroy Road, Turramurra, Turramurra Support Services Centre.
- 1186 Pacific Highway Pymble, Ku-ring-gai Arts Resource Centre.

Facility meetings are also held at the senior's centres to discuss and address tenant issues as they arise.

## **MAINTENANCE**

Councils' recently completed building condition audit has identified a range of OH&S, access and maintenance issues relating to community services facilities. A 7-year building maintenance schedule has been developed and adopted by Council to provide scheduled building maintenance as identified in the audit.

A survey of tenants occupying Council facilities has also recently been completed which identified tenant concerns/requests regarding maintenance issues. These issues are to be incorporated into the building maintenance program on a priority basis.

A customer service agreement (internal) has been developed between the Building Trades Group and Community Services. This formal agreement establishes a provider/customer relationship between parties for the provision of building trades and maintenance services. The customer service agreement sets out the responsibilities of Building Trades in providing the service and the requirements of Community Services.

## **UTILISATION**

Utilisation statistics for Council Halls and Meeting rooms are kept and updated on a monthly basis. These statistics are analysed regularly to develop strategies to increase usage of Councils Halls and Meeting rooms to all in the community.

## **DOCUMENTATION**

The documentation in full relating to this Facility Maintenance Plan can be found by accessing the N drive/Community Services/Community Facilities/Management Plan 2003.

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## **DRAFT LOCAL ENVIRONMENTAL PLAN NO 196 - BURLEIGH STREET PRECINCT, LINDFIELD**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To report on status of Draft Local Environmental Plan No. 196 (DLEP196) - Burleigh Street Precinct, Lindfield and recommend that DLEP196 be abandoned.
<b>BACKGROUND:</b>	<p>In 2003 Council resolved to exhibit Draft Local Environmental Plan No.196 (DLEP196) that was to apply to the Burleigh Street Precinct. The State Government advised it would not support the Draft Plan due to concerns over the restrictive nature of the proposed controls and standards. The Burleigh Street Precinct was subsequently rezoned through the provisions of DLEP194 and this was forwarded to the Minister in December 2003. In summary DLEP196 has been superseded by DLEP194 and the matter should be discontinued.</p>
<b>COMMENTS:</b>	<p>The then planningNSW notified Council that it would not be in a position to recommend gazettal of Draft LEP196 until the provisions which are common with Draft LEP194 have been resolved with MRAC and the Department. These provisions included parking standards, development standards couched as prohibitions in definitions and material more appropriately placed in a DCP. However, the Burleigh Street Precinct was retained in DLEP194 and subsequently rezoned to Residential (2d2) as submitted to the Minister in December 2003.</p>
<b>RECOMMENDATION:</b>	That Council formally abandon Draft Local Environmental Plan No.196 and notify the Department of Infrastructure, Planning and Natural Resources and all persons who made a submission of its decision.

## PURPOSE OF REPORT

To report on status of Draft Local Environmental Plan No. 196 (DLEP196) - Burleigh Street Precinct, Lindfield and recommend that DLEP196 be abandoned.

## BACKGROUND

On 4 February 2003 Council resolved to publicly exhibit Draft LEP196. The purpose of the Draft LEP was to rezone land bound by Llewellyn Street, The Pacific Highway, Eton Road and the railway line (excluding Millwood Park and road reserves) to permit its development as multi-unit housing. The Draft LEP proposed that multi-unit housing permitted under the instrument not exceed four storeys in height and that the floor space ratio be limited to 1:1.

The Draft Plan was placed on public exhibition in early 2003. The controls in DLEP196 were linked to an earlier version of DLEP194 and PlanningNSW advised that it would not support the draft plan in its current form. Council continued negotiations with Minister's Residential Advisory Committee and the Department of Infrastructure, Planning and Natural Resources on the RDS Stage 1 and the final form of DLEP194.

## COMMENTS

By letter dated 14 April 2003, planningNSW advised as follows:

*"It is noted that some of the details contained within this draft LEP are the same as those that are contained in the preliminary draft LEP in relation to Council's Residential Strategy.*

*The RDS / LEP has been the subject of a number of discussions between the Department and Council representatives. Council has been advised of this Department's concerns in relation to a number of the provisions in the major draft LEP. These include provisions relating to car parking, development standards couched as prohibitions and the identification of non specific DCPs which have yet to be prepared let alone adopted by Council. A major issue under this heading is the requirement in the draft plan that no development can proceed on allotments less than 2000 square metres.*

*The Department of Urban and Transport Planning would not be in a position to recommend to the Minister that the draft LEP for the Burleigh Street Precinct be finalised until it has been refined to remove those provisions which have already been objected to by the Department, in discussions with Council, in relation to the RDS / LEP. Many other provisions in the draft LEP are considered to be more appropriately located in a Development Control Plan. Further, some provisions of the draft plan do not appear to relate the area covered by the plan. For example, an aim of the plan is to protect areas identified as the National Park and bushland reserves.*

*The draft plan also introduces a definition for a development defined as "Apartment Building – Burleigh Street Precinct Type". The Department is unconvinced that there is a justification*

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*for this development type which is specific to this one area in Ku-ring-gai. In this regard it is noted that this development type includes a townhouse which, under the proposed clause 25K would require a lift.*

*As indicated in our response to the similar draft LEP for 20-24 Tryon Road at Lindfield, the Department has no wish to delay the rezoning of any parcel of land that appears, from Council's own investigations, to be suitable for medium density housing. However, the issues raised above, need to be addressed in order for draft LEP 196 to be progressed at the s69 stage"*

By further letter dated 31 July 2003 planningNSW advised that as the Draft LEP has been exhibited in accordance with the requirements of the EP&A Act there is no impediment to forwarding the draft instrument to the Minister for determination. It further noted, however, that should Council decide to take this course of action, the Minister's responsibilities are clearly set out in Section 70 of the Act. This section of the Act enables the Minister either to make the LEP as submitted by Council, make the LEP with whatever amendments the Minister thinks fit or refuse to make the LEP.

In summary PlanningNSW advised Council that it would not support Draft LEP196 and would not be in a position to recommend gazettal of Draft LEP196 until those of its provisions which are common with Draft LEP194 have been amended and resolved. These provisions include parking standards, development standards couched as prohibitions in definitions and material more appropriately placed in a DCP.

Accordingly, Council continued negotiations and discussions with Minister's Residential Advisory Committee and Department of Infrastructure Planning and Natural Resources on the main plan for the RDS, DLEP194.

The medium density areas identified in the Burleigh Street Precinct were then included in the exhibited version of DLEP194- originally as Residential 2 (da).

Following, Council consideration and amendments to DLEP194 on 25 November 2003 the proposed zoning submitted to the Minister for the Burleigh Street Precinct sites was for Medium Density housing under the Residential (2d2) zoning and this was forwarded to the Minister in December 2003.

## CONSULTATION

In accordance with the requirements of the Environmental Planning and Assessment Act (EP&A Act) and Council's resolution, the Draft LEP was exhibited, displayed on Council's website. Affected land owners and occupiers were notified and community groups were alerted to the plan by email.

In response to the public exhibition 17 submissions were received. Issues raised in the 15 submissions of objection including concerns about traffic and parking impacts, loss of amenity and character. The 2 submissions of support (including a petition with 22 signatures) suggested the merit of higher FSRs and more flexible controls. Notification of government authorities under



Section 62 of the Environmental Planning and Assessment Act yielded responses from planningNSW, the State Rail Authority and the Roads and Traffic Authority. As it is not proposed to proceed with DLEP196 no further analysis of the submissions has been included in this report.

## **FINANCIAL CONSIDERATIONS**

There are no financial implications for Council arising from consideration of this report with the exception of the continuing staff costs / resource implications.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not required in the preparation of this report.

## **SUMMARY**

Draft LEP196 has been exhibited in accordance with the requirements of Council's resolution, Council policy and the requirements of the EP&A Act. The response from planningNSW in relation to the Draft LEP made it clear it would not be gazetted in its current form. The Burleigh Street Precinct has been now been included under the provisions of LEP194 for medium density housing and the documentation has been forwarded to the Minister.

In summary DLEP196 has been superseded by DLEP194 and the matter should be discontinued.

## **RECOMMENDATION**

- A. That Council resolve to take no further action in processing Draft Local Environmental Plan No. 1976 and it be abandoned.
- B. That Council notify the Department of Infrastructure Planning and Natural Resources, relevant State Government Agencies and all persons who made a submission of its decision.

Antony Fabbro  
Manager Strategic Planning

Leta Webb  
Director Planning & Environment

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## INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 30 NOVEMBER 2003

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for November 2003.
<b>BACKGROUND:</b>	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).
<b>COMMENTS:</b>	The Reserve Bank of Australia (RBA) increased the official cash rate by 25 basis points to 5.0% in November. This was due to increasing signs of strengthening global growth.
<b>RECOMMENDATION:</b>	That the summary of investments, daily cash flows and loan liabilities for November 2003 be received and noted.

## PURPOSE OF REPORT

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for November 2003.

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Councils, with the advice of Grove Financial Services Pty Limited.

## COMMENTS

During the month of November Council's cash increased by \$1,040,000 and gross capital appreciation on Council's investments was \$72,500.

Council's total investment portfolio at the end of November 2003 is \$20,657,200. This compares to an opening balance of \$15,719,100 as at 1 July 2003.

Council's General Fund interest on investments for November year-to-date is \$374,000. This compares favourably to the year-to-date budget of \$333,300.

Council's total debt as at 30 November 2003 is \$11,773,000. This compares to a total debt of \$12,605,500 as at 1 July 2003.

## PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance Against the UBSWA Bank Bill Index**

This measures the annualised yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBSWA Bank Bill Index.

## Allocation of Surplus Funds

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

## Summary of Borrowings

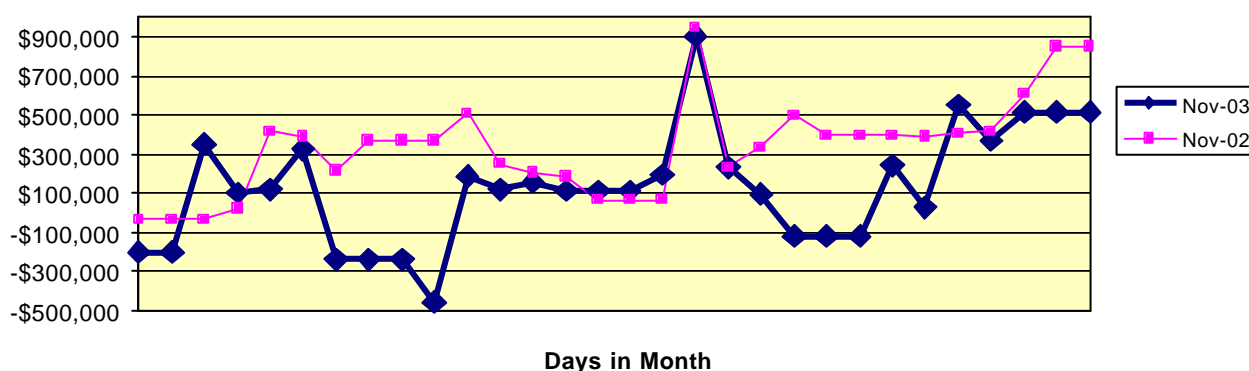
This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

## November 2003

### Management of General Fund Bank Balance

During November Council had an inflow of funds of \$1,040,000, primarily from the second rate instalment that fell due on 30 November 2003. These funds were partially offset by payments made to Collex Waste Management, Waste Services NSW and the payment of Council's loans.

### Management of General Fund Bank Balance



### Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during November was 4.95% compared to the benchmark of the UBSWA Bank Bill Index of 4.77%. A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$872,379	\$300,000	\$2,883	\$1,175,262	5.10%
Alliance Capital	At Call	\$2,831,094	\$500,000	\$10,294	\$3,341,388	4.98%
Macquarie Diversified Treas.	At Call	\$6,787,783	\$(100,000)	\$23,728	\$6,711,511	5.13%
Perennial Cash Enhance Fund	At Call	\$5,688,607	\$600,000	\$20,471	\$6,309,078	4.60%
CBA Loan Offset No 1	Offset	\$1,560,000	\$(130,000)	\$6,051	\$1,430,000	5.12%
CBA Loan Offset No 2	Offset	\$1,820,000	\$(130,000)	\$7,151	\$1,690,000	5.12%
<b>TOTALS</b>		<b>\$19,599,863</b>	<b>\$1,040,000</b>	<b>\$70,578</b>	<b>\$20,657,239</b>	

### Year-to-date Funds Performance against the UBSWA Bank Bill Index

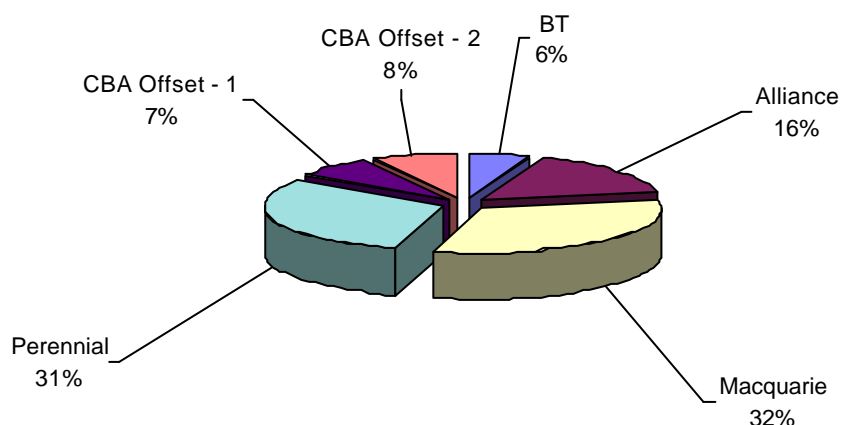
The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for July – November 2003	UBSWA Bank Bill Index Annualised for July – November 2003
BT Institutional Managed Cash	4.94%	4.84%
Alliance Capital	5.23%	
Macquarie Diversified Treas.	5.56%	
Perennial	5.48%	
CBA Offset No.1	4.90%	
CBA Offset No.2	4.90%	

### Allocation of Surplus Funds:

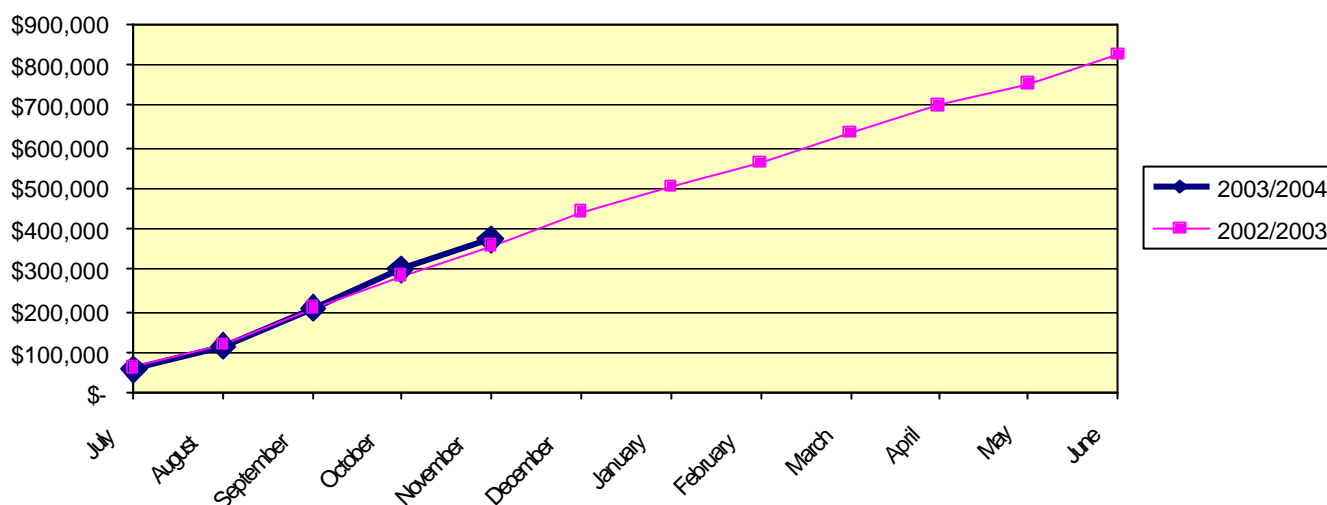
Council's funds during November were allocated as follows:

Portfolio Allocation Of Surplus Funds

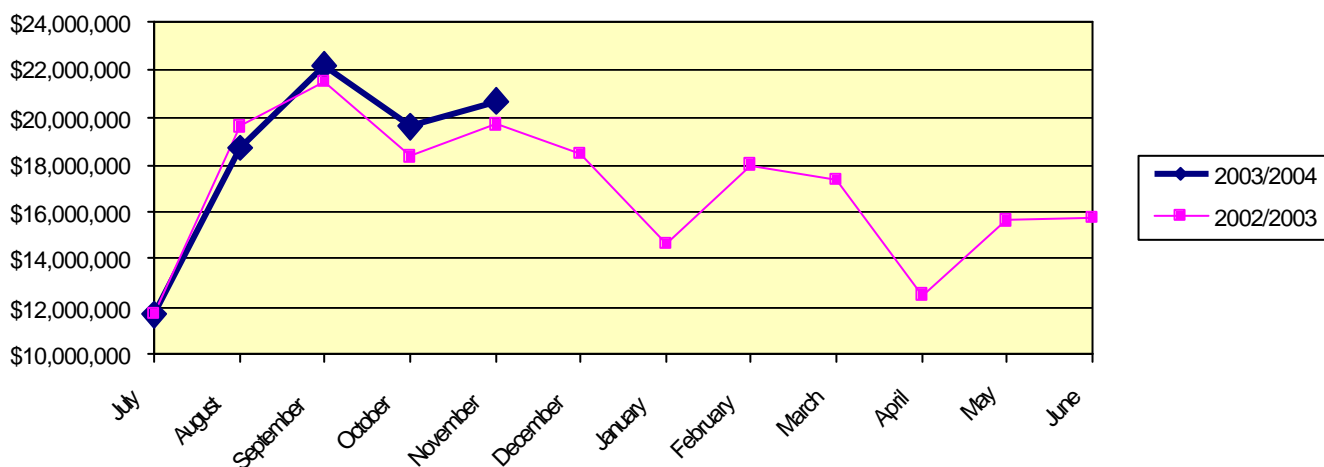


**2002/2003 versus 2003/2004****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2002/2003 and 2003/2004. As at the end of November 2003, year to date interest earnings totalled \$374,000. This compares to \$361,300 at the same time last year, an increase of \$12,700.

**Accumulative Interest 2002/2003 v's 2003/2004****Total Investment Portfolio**

The following graph tracks the monthly investment portfolio balances for 2003/2004 in comparison to 2002/2003.

**Total Investment Portfolio 2002/2003 v's 2003/2004**

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During November 2003 Council's investment portfolio increased by \$1,040,000. In comparison, during November 2002 Council's investments increased by \$1,270,000.

Council's closing investment portfolio of \$20,657,200 in November 2003 is \$982,200 greater than the November 2002 closing balance of \$19,675,000.

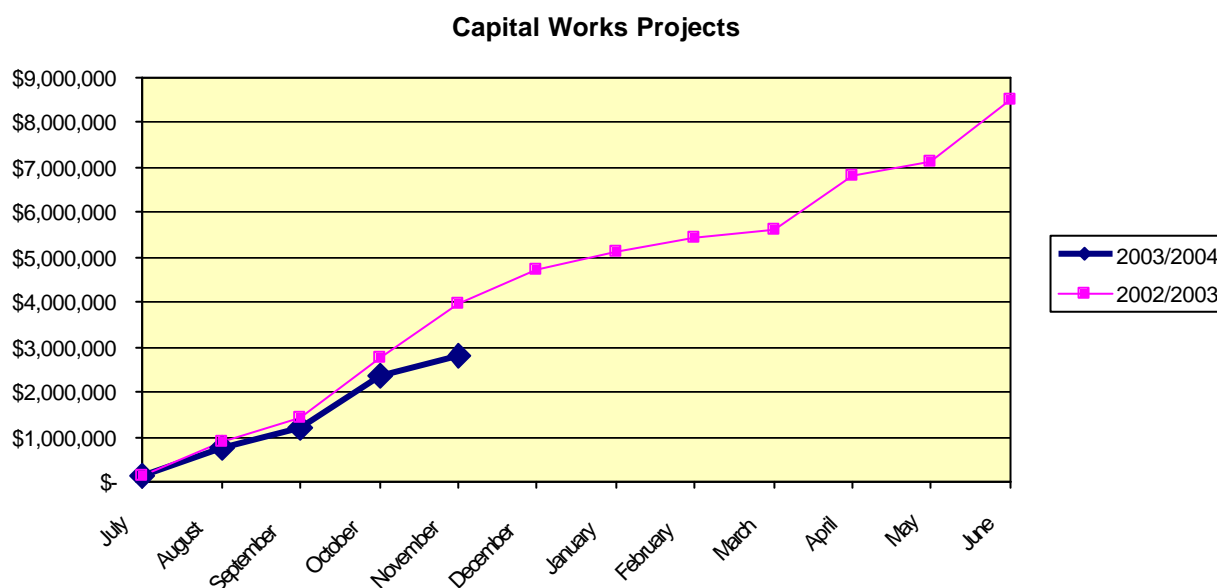
### Capital Works Projects

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2002/2003 and 2003/2004.

As at the end of November 2003 Council has expended \$2,792,600 on capital works, which compares to \$3,975,300 for the same period last year, a decrease of \$1,182,700.

During November 2003 Council expended \$444,800 on capital works, which compares to \$1,222,000 during November 2002, a decrease of \$777,200.

Council's 2003/2004 total budget for capital works (excluding fleet replacement) is \$11,609,800 which leaves funds of \$8,817,200 unspent at the end of November.



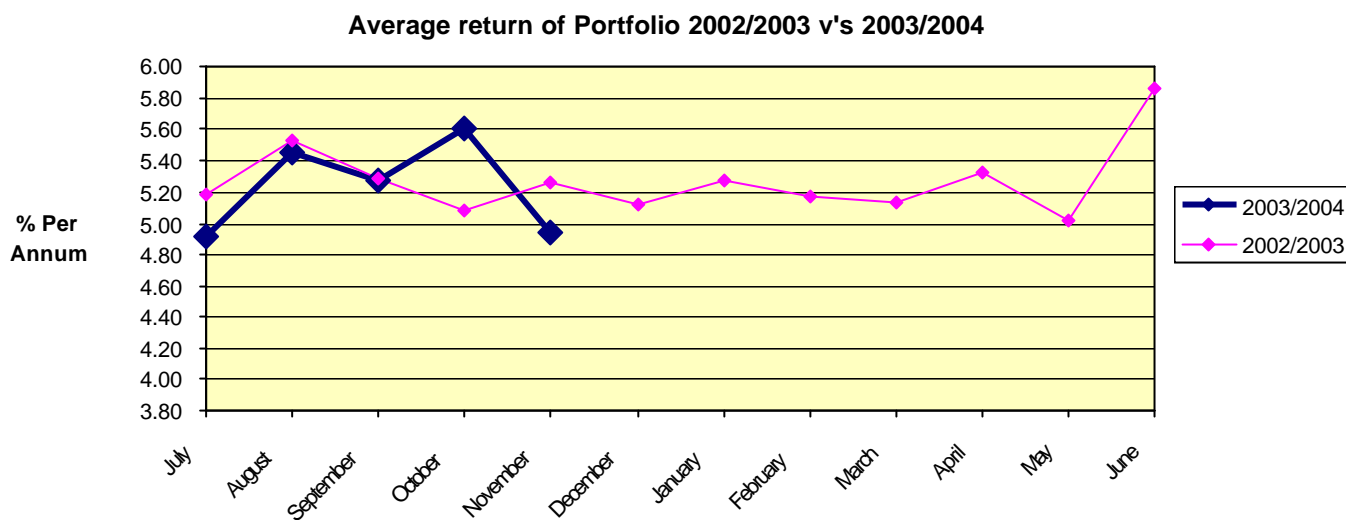
### Portfolio Performance Average Return 2002/2003 versus 2003/2004

The following graph compares the average return on Council's portfolio for the financial years 2002/2003 and 2003/2004.

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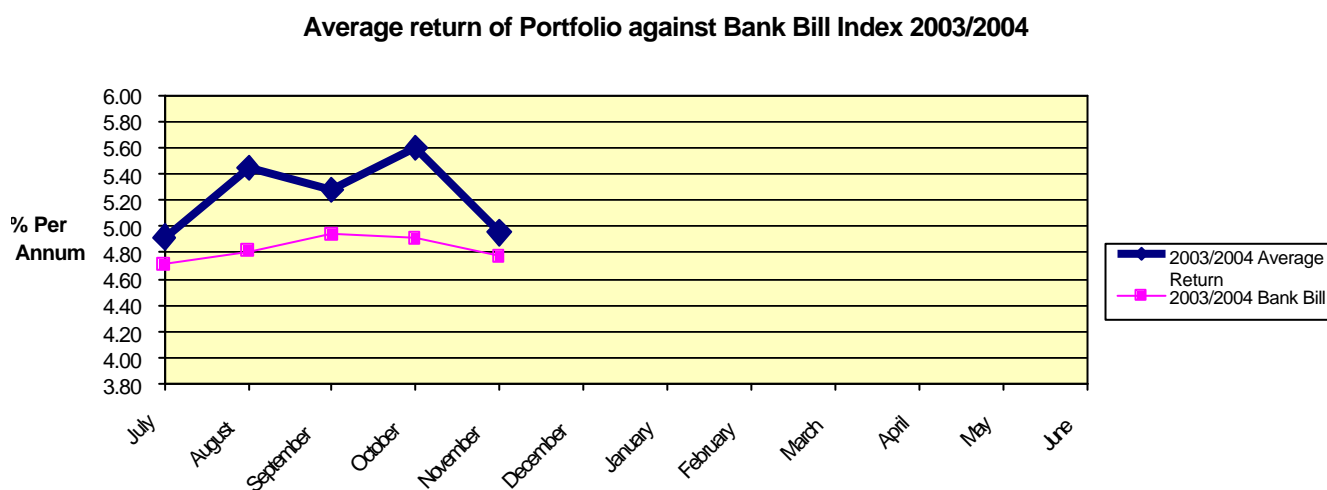
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23 December 2003

The average interest rate at end of November of 4.95% is lower than at the same time last year- 5.26%.



**2003/2004 Portfolio Performance against the UBSWA Bank Bill Index**

Council's average portfolio return has performed above the UBSWA Bank Bill Index each month in 2003/2004. This is displayed in the following graph.





**Summary of Borrowings**

As scheduled, \$284,500 was repaid during November reducing the total level of debt at month end to \$11,773,000. This compares to a total debt at 1 July 2003 of \$12,605,500.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	122	\$1,494,000	\$1,494,000	-	7.40%	28-Jul-93	28-Jul-03
CBA	123	\$2,000,000	\$1,823,074	\$176,926	9.70%	28-Jun-94	28-Jun-04
Westpac	124	\$4,000,000	\$3,098,407	\$901,592	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$747,938	\$252,062	6.27%	02-Feb-95	02-Feb-05
Westpac	126	\$1,500,000	\$1,249,010	\$250,991	9.13%	21-Sep-96	21-Jun-04
Westpac	127	\$1,000,000	\$422,843	\$577,157	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,170,000	\$1,430,000	5.12%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$910,000	\$1,690,000	5.12%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$399,217	\$2,200,783	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$188,465	\$2,411,535	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	-	\$1,882,000	5.16%	27-Jun-03	27-Jun-13
<b>TOTAL</b>		<b>\$23,276,000</b>	<b>\$11,502,954</b>	<b>\$11,773,046</b>			

**CONSULTATION**

Not applicable

**FINANCIAL CONSIDERATIONS**

The Reserve Bank of Australia (RBA) increased the official cash rate by 25 basis points to 5.0% in November. Most economists predict a further 0.25% rise in December and anticipate another rise in the first quarter of 2004.

**CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not applicable.

## **SUMMARY**

As at 30 November 2003:

- Council's total investment portfolio is \$20,657,200. This compares to an opening balance of \$15,719,100 as at 1 July 2003.
- Council's General Fund interest on investments totals \$374,000. This compares favourably to the year-to-date budget of \$333,300.
- Council's total debt is \$11,773,000. This compares to a total debt of \$12,605,500 as at 1 July 2003.

## **RECOMMENDATION**

That the summary of investments, daily cash flows and loan liabilities for November 2003 be received and noted.

Melissa Crain  
**Manager Business Development**

John McKee  
**Director Finance and Business**

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## INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 DECEMBER 2003

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for December 2003.
<b>BACKGROUND:</b>	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).
<b>COMMENTS:</b>	The Reserve Bank of Australia (RBA) increased the official cash rate by 25 basis points to 5.25% in December. Economic analysts are suggesting that interest rates are likely to increase by another 25 basis points early in 2004.
<b>RECOMMENDATION:</b>	That the summary of investments, daily cash flows and loan liabilities for December 2003 be received and noted.

## PURPOSE OF REPORT

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for December 2003.

## BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Councils, with the advice of Grove Financial Services Pty Limited.

## COMMENTS

During the month of December Council's cash decreased by \$1,150,000 and gross capital appreciation on Council's investments was \$98,500.

Council's total investment portfolio at the end of December 2003 is \$19,590,000. This compares to an opening balance of \$15,719,100 as at 1 July 2003.

Council's General Fund interest on investments for December year-to-date is \$472,500. This compares favourably to the year-to-date budget of \$400,000.

Council's total debt as at 31 December 2003 is \$11,370,000. This compares to a total debt of \$12,605,500 as at 1 July 2003.

## PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance Against the UBSWA Bank Bill Index**

This measures the annualised yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBSWA Bank Bill Index.

### Allocation of Surplus Funds

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

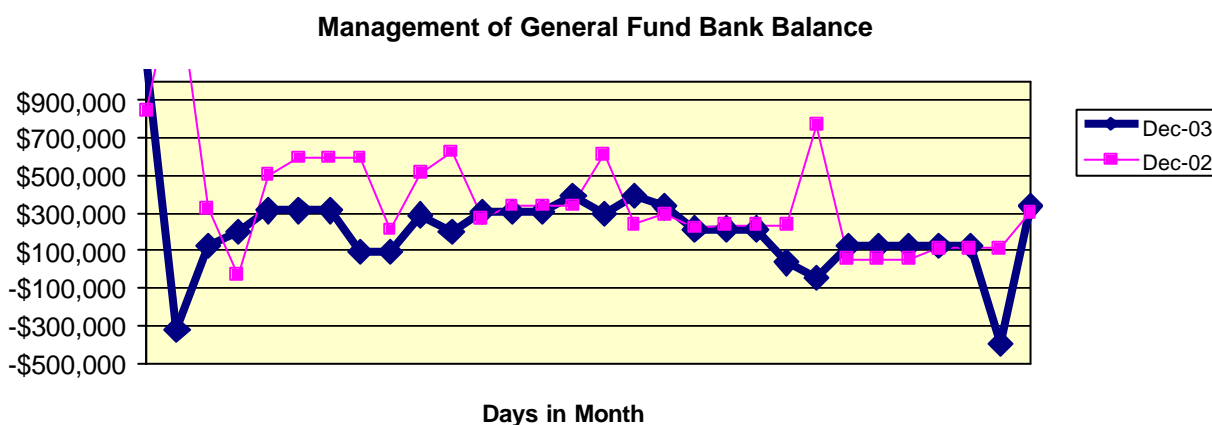
### Summary of Borrowings

This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

## December 2003

### Management of General Fund Bank Balance

During December Council had an outflow of funds of \$1,150,000. At the beginning of December funds were received from the second rate instalment which fell due on 30 November 2003. By the end of month these funds had been utilised for repayment of Council loans and large vendor payments.



### Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during December was 5.34% compared to the benchmark of the UBSWA Bank Bill Index of 5.40%.

Alliance Capital Cash Enhanced performed well below the benchmark in December returning only 3.59%. The fund explained that their bad performance was due to an unsuccessful short term duration strategy that failed when bond yields fell. The fund manager predicts an improvement of performance in January 2004.

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A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$1,175,262	(\$1,050,000)	\$3,217	\$128,479	5.31%
Alliance Capital Cash Enhanced	At Call	\$3,341,388	(\$2,000,000)	\$6,724	\$1,348,112	3.59%
Macquarie Diversified Treas.	At Call	\$6,711,511	(\$100,000)	\$31,587	\$6,643,097	5.34%
Perennial Cash Enhance Fund	At Call	\$6,309,078	-	\$37,382	\$6,346,461	7.05%
BT Institutional Enhanced Cash	At Call	-	\$2,000,000	\$3,803	\$2,003,803	5.43%
CBA Loan Offset No 1	Offset	\$1,430,000	-	\$6,051	\$1,430,000	5.12%
CBA Loan Offset No 2	Offset	\$1,690,000	-	\$7,151	\$1,690,000	5.12%
<b>TOTALS</b>		<b>\$20,657,239</b>	<b>(\$1,150,000)</b>	<b>\$95,915</b>	<b>\$19,589,952</b>	

### New Investment Fund

With the view to further diversifying Council's investment portfolio, during December funds were transferred into the BT Institutional Enhanced Cash Fund. The BT Enhanced Cash is an at call, cash based fund. It is AA rated and has returned 5.65% for the year to date, 0.73% above the UBSWA Bank Bill Index.

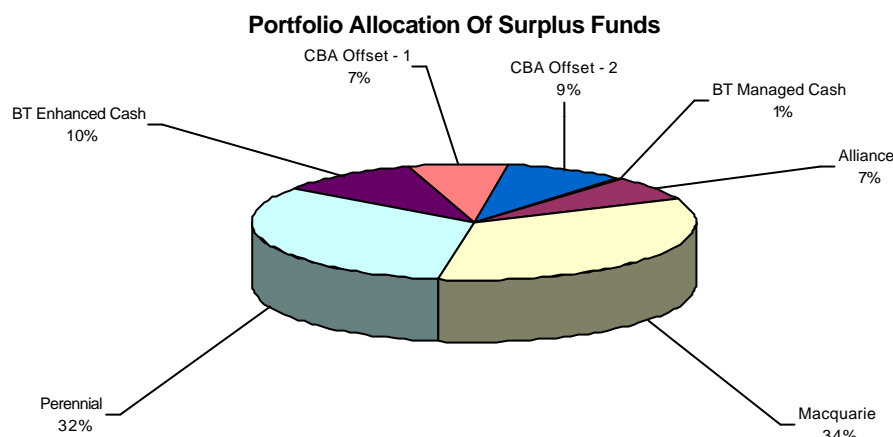
### Year-to-date Funds Performance against the UBSWA Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for July – December 2003	UBSWA Bank Bill Index Annualised for July – December 2003
BT Institutional Managed Cash	5.00%	4.92%
Alliance Capital Cash Enhanced	4.98%	
Macquarie Diversified Treas.	5.52%	
Perennial Cash Enhanced Fund	5.71%	
BT Institutional Enhanced Cash	5.65%	
CBA Offset No.1	4.90%	
CBA Offset No.2	4.90%	

## Allocation of Surplus Funds:

Council's funds during December were allocated as follows:

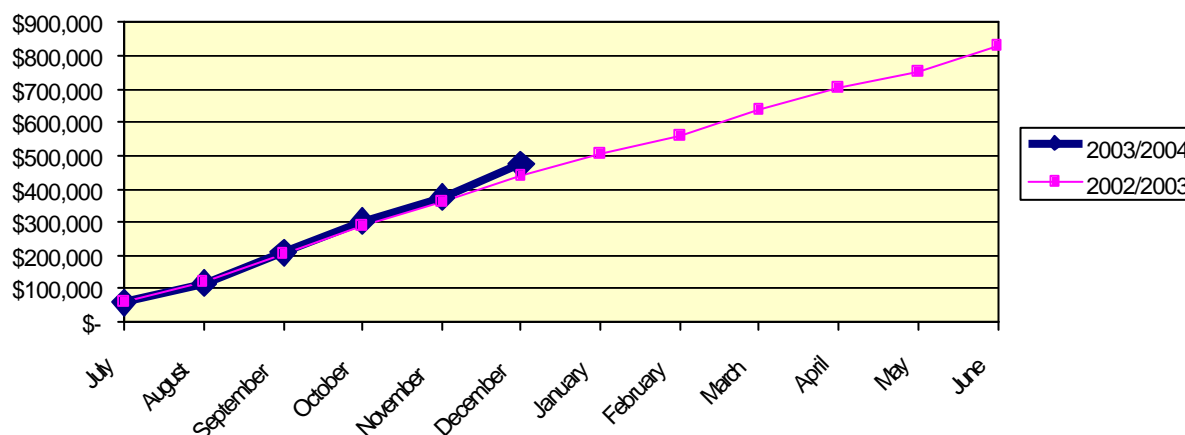


## 2002/2003 versus 2003/2004

### Accumulative Interest

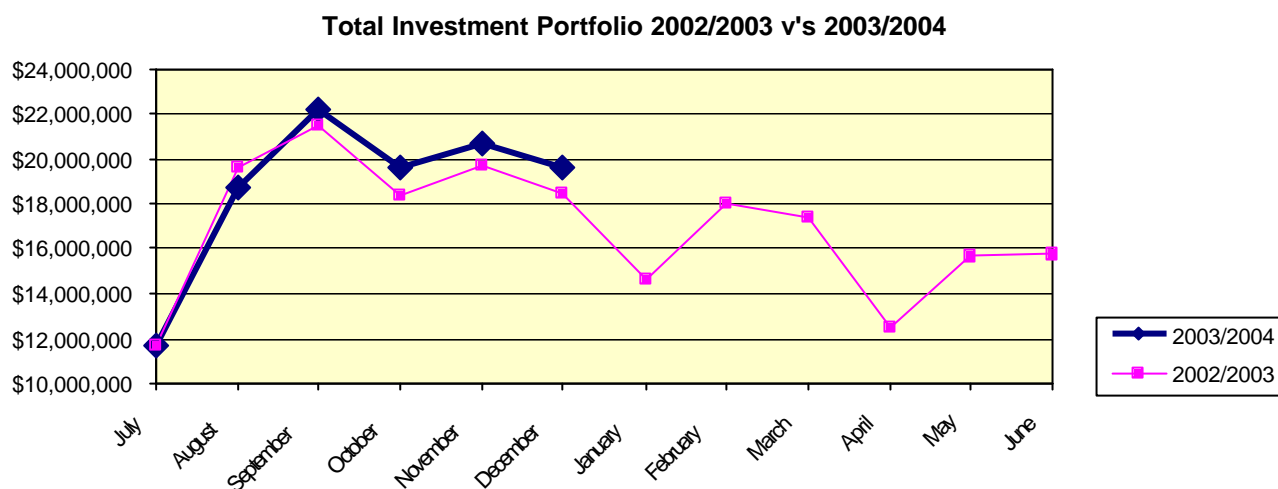
The following graph compares the interest earned on an accumulative monthly basis for financial years 2002/2003 and 2003/2004. As at the end of December 2003, year to date interest earnings totalled \$472,500. This compares to \$440,000 at the same time last year, an increase of \$32,500.

**Accumulative Interest 2002/2003 v's 2003/2004**



### Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2003/2004 in comparison to 2002/2003.



During December 2003 Council's investment portfolio decreased by \$1,150,000. In comparison, during December 2002 Council's investments decreased by \$1,300,000.

Council's closing investment portfolio of \$19,590,000 in December 2003 is \$1,150,000 greater than the December 2002 closing balance of \$18,440,000.

### Capital Works Projects

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2002/2003 and 2003/2004.

As at the end of December 2003 Council has expended \$4,778,000 on capital works, which is \$46,000 higher than at the same time last year when \$4,732,000 had been expended.

During December 2003 Council expended \$1,985,400 on capital works, which compares to \$756,700 during December 2002, an increase of \$1,228,700.

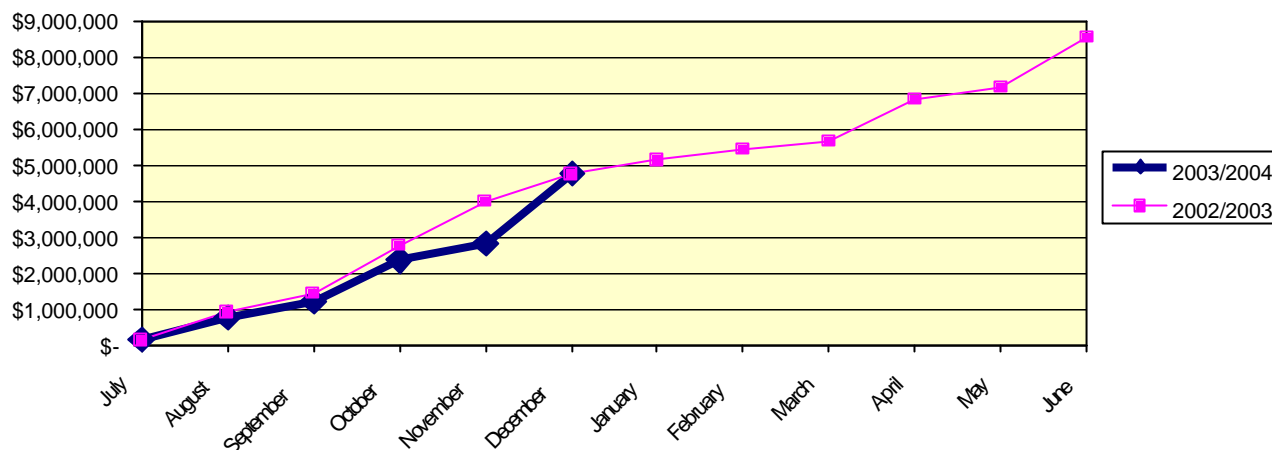
Council's 2003/2004 total budget for capital works (excluding fleet replacement) is \$11,609,800 which leaves funds of \$6,831,800 unspent at the end of December.



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**Capital Works Projects**

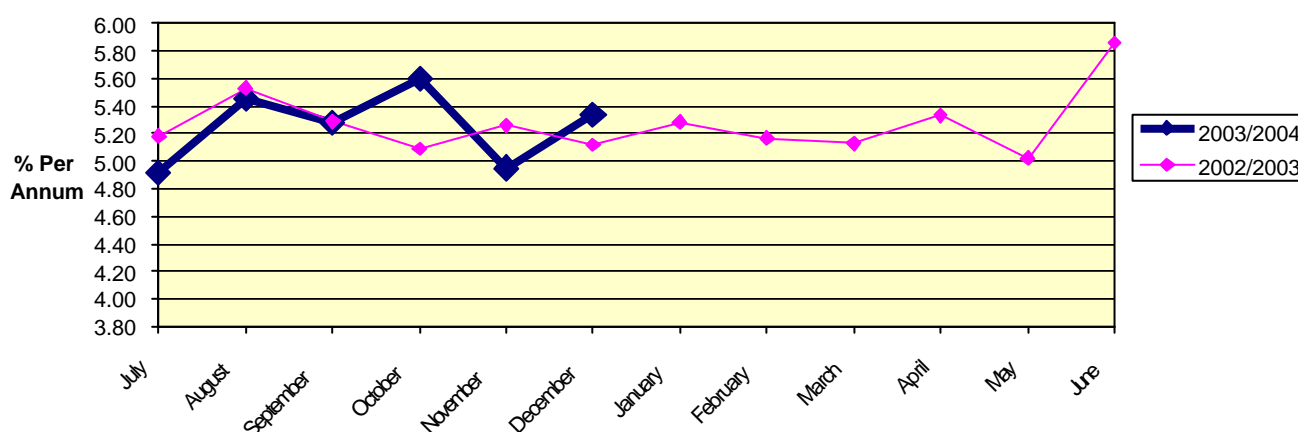


**Portfolio Performance Average Return 2002/2003 versus 2003/2004**

The following graph compares the average return on Council's portfolio for the financial years 2002/2003 and 2003/2004.

The average interest rate at end of December of 5.34% is higher than at the same time last year- 5.12%.

**Average return of Portfolio 2002/2003 v's 2003/2004**



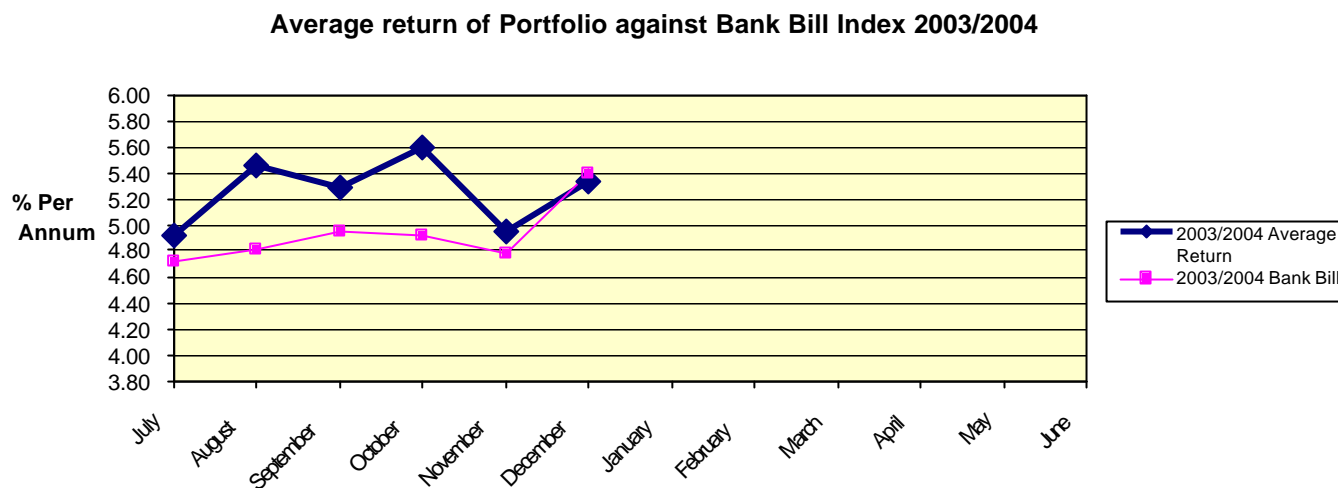
**2003/2004 Portfolio Performance against the UBSWA Bank Bill Index**

December saw Council's average portfolio return perform below the UBSWA Bank Bill Index for the first time this financial year.

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The average return of Portfolio against Bank Bill is displayed in the following graph.



### Summary of Borrowings

During December Council repaid \$403,100 in borrowings, reducing the total level of debt at month end to \$11,370,000. This compares to a total debt at 1 July 2003 of \$12,605,500.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	122	\$1,494,000	\$1,494,000	-	7.40%	28-Jul-93	28-Jul-03
CBA	123	\$2,000,000	\$1,847,743	\$152,257	9.70%	28-Jun-94	28-Jun-04
Westpac	124	\$4,000,000	\$3,098,408	\$901,592	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$747,938	\$252,062	6.27%	02-Feb-95	02-Feb-05
Westpac	126	\$1,500,000	\$1,371,705	\$128,295	9.13%	21-Sep-96	21-Jun-04
Westpac	127	\$1,000,000	\$472,819	\$527,181	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,170,000	\$1,430,000	5.12%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$910,000	\$1,690,000	5.12%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$507,028	\$2,092,972	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$286,442	\$2,313,558	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	-	\$1,882,000	5.16%	27-Jun-03	27-Jun-13
<b>TOTAL</b>		<b>\$23,276,000</b>	<b>\$11,906,083</b>	<b>\$11,369,917</b>			

## CONSULTATION

Not applicable

## FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) increased the official cash rate by 25 basis points to 5.25% in December. A further global economic recovery, positive domestic data and a strong Australian dollar mainly contributed to this increase. Most economic analysts are predicting another 25 basis points increase early in 2004.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

## SUMMARY

As at 31 December 2003:

- Council's total investment portfolio is \$19,590,000. This compares to an opening balance of \$15,719,100 as at 1 July 2003.
- Council's General Fund interest on investments totals \$472,500. This compares favourably to the year-to-date budget of \$400,000.
- Council's total debt is \$11,370,000. This compares to a total debt of \$12,605,500 as at 1 July 2003.

## RECOMMENDATION

That the summary of investments, daily cash flows and loan liabilities for December 2003 be received and noted.

Mellissa Crain  
Manager Business Development

John McKee  
Director Finance and Business

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## COUNCIL MEETING CYCLE - FEBRUARY 2004

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To give consideration to replacing the Strategic Review Working Party Meeting set down for 17 February 2004 with an Ordinary Meeting of Council.
<b>BACKGROUND:</b>	Not applicable
<b>COMMENTS:</b>	Due to the recent Christmas recess and the upcoming Local Government Elections to be held on 27 March 2004, there are a number of items scheduled for Council's determination.
<b>RECOMMENDATION:</b>	That the Strategic Review Working Party scheduled for 17 February 2004 be replaced by an Ordinary Meeting of Council commencing at 7pm and the normal meeting cycle resume for the month of March 2004.

## PURPOSE OF REPORT

To give consideration to replacing the Strategic Review Working Party Meeting set down for 17 February 2004 with an ordinary meeting of Council.

## BACKGROUND

Not Applicable

## COMMENTS

Under the current meeting cycle of Council, a Strategic Review Working Party is held on the 3<sup>rd</sup> Tuesday of each month. The next Strategic Review Working Party is scheduled to be held on 17 February 2004.

Due to the recent Christmas recess and the upcoming Local Government Elections to be held on 27 March 2004, there are a number of items scheduled for Council's determination during February and March.

To ensure that as many items as possible are determined by Council prior to the Local Government Elections, it is recommended that the Strategic Review Working Party scheduled for 17 February 2004 be replaced by an ordinary meeting of Council commencing at 7pm and the normal meeting cycle resume for the month of March 2004.

## CONSULTATION

Not Applicable

## FINANCIAL CONSIDERATIONS

Not Applicable

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All Department heads have been consulted on the amended cycle.

## **SUMMARY**

Not applicable

## **RECOMMENDATION**

- A. That the Strategic Review Working Party scheduled for 17 February 2004 be replaced by an Ordinary Meeting of Council, commencing at 7:00pm.
- B. That the normal meeting cycle resume for the month of March 2004.

Brian Bell  
**General Manager**

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## 100 TO 102 ROSEDALE ROAD, ST IVES - COMMUNITY CAMPAIGN

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To consider the Minutes of the Buy 100 - 102 Rosedale Road, St Ives Action Group meetings held on Thursday 18 December 2003 and 21 January 2004.
<b>BACKGROUND:</b>	Council resolved to establish a Buy 100 – 102 Rosedale Road, St Ives Action Group and adopted a Charter for the Group. The Group has held two meetings since its inception, 18 December 2003 and 21 January 2004. Minutes and actions arising from these meetings are included in this report.
<b>COMMENTS:</b>	The Group has confirmed the Minutes of 18 December 2003 and has prepared draft minutes for the meeting of 21 January 2004. A number of actions seek the consideration of Council.
<b>RECOMMENDATION:</b>	That Council consider the recommendations from the Buy 100 - 102 Rosedale Road, St Ives Action Group's meeting of 18 December 2003 and 21 January 2004.

## PURPOSE OF REPORT

To consider the Minutes of the Buy 100 - 102 Rosedale Road, St Ives Action Group meetings held on Thursday 18 December 2003 and 21 January 2004.

## BACKGROUND

On 9 December 2003 Council considered a report concerning land swap options for 100-102 Rosedale Road, St Ives. In to relation the establishment of a community action group it resolved:-

- C. *That Council support a public campaign to purchase of 100 – 102 Rosedale Road, St Ives, save the endangered ecological community of Blue Gum High Forest adjoining in the Dalrymple Hay State Forest and Browns Forest.*
- D. *That Council establish a “Buy 100 – 102 Rosedale Road, St Ives Action Group” to:*
  - (a) *raise local, state, national and international awareness of environmental significance of the endangered ecological community of Blue Gum High Forest in the Dalrymple Hay State Forest and Browns Forest;*
  - (b) *promote a public awareness campaign of the need to purchase the site;*
  - (c) *promote a public fundraising campaign that involves community and environmental groups;*
  - (d) *support a public campaign with media, legal, community and financial advice and any such campaign be funded from the Natural Areas Reserve to a maximum of \$10,000 with the matter to be reviewed by Council in February 2003.*
- E. *That there be no delegated authority in regard to 100 – 102 Rosedale Road, St Ives during the Council recess to ensure transparency of process and the public interest in this matter.*

Further to this resolution, at its meeting of 16 December 2003 Council considered a report regarding the establishment of the action group (resolution D). and resolved:

- A. *That Council establish a “Buy 100 – 102 Rosedale Road St Ives Action Group” and adopt a charter.*
- B. *That Councillor Kitson be nominated to chair the Action Group.*
- C. *That the Chair of the Natural Advisory Committee nominate representatives from environment and other community groups.*



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27 January 2004

- D. That meetings to be held on a needs basis to progress the public awareness campaign and report to Council at the 1<sup>st</sup> Council meeting in February 2004.*
- E. That the quorum be a minimum of three community members and 1 Councillor.*
- F. That voting be by majority of members.*
- G. That the first meeting of the action group be held on Thursday 18 December 2003 at a time determined by the Chair.*
- H. That options for fund raising and donations handling to be reported to Council at the first Council meeting in 2004, including any need to reconstitute the group to carry out this function."*

The first meeting of the Group took place on 18 December 2003. Minutes of this meeting were adopted by the Group at its meeting of 21 January 2004 (refer to **Attachment A**).

Recommendations from the meeting held on 18 December 2003.

1. The group endorse the option to explore an incorporated association in preference to a trust to expedite the issue of the public campaign to purchase 100-102 Rosedale Road, St Ives and report back on progress of this option at the next meeting.
2. That money goes towards the community association to enable fundraising. For example gift funds which are tax deductible; insurance; promotion materials; displays.

The next meeting of the group was held on 21 January 2004. The draft Minutes of this meeting are included as **Attachment B**.

Draft recommendations from the meeting of 21 January 2004 are as follows:-

1. That the aim of the group should be expanded to include:  
To conserve the Blue Gum High Forest at St Ives, including 100-102 Rosedale Road.
2. That the name of the committee be changed from "100-102 Rosedale Rd Action Group" to the "Blue Gum High Forest Group" because the current name is too cumbersome.
3. The quorum of the 'Blue Gum High Forest Group' will consist of one councillor and 4 community representatives.
4. That STEP Inc be formally requested to be the lead organisation of the group and to manage the finances for the Blue Gum High Forest Group and fundraising for 100-102 Rosedale Road, St Ives.
5. That upon final agreement (Recommendation 4) STEP Inc will be the community fund raising group and seek to have Council endorse that \$5 000 of the \$10 000 budget be granted to STEP Inc to progress the aim of saving the bushland at 100-102 Rosedale Road, St Ives.

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6. That STEP use the \$5000 for promotional activities, fund raising, research and other activities that promote the saving of the Blue Gum High Forest.
7. That the General Manager report to the first meeting of the newly elected Council in April 2004 on the Blue Gum High Forest Group.
8. That the National Trust be contacted to request an article be published in their magazine on their close relationship between Annie Wyatt and the conservation of bushland.
9. That the significance of the purchase of 100-102 Rosedale Road and the pivotal role of CR Creswell O'Reilly in purchasing land to add to the Dalrymple Hay Nature Reserve be referred to the Council's Centenary Committee to form part of the celebrations
10. That the group continues its preparation work on promotional and fundraising activities, which includes establishing a portfolio, community displays, brochures, press releases, contacting community groups, planning school educational resources, until formal negotiations between STEP Inc are established who will then become the vehicle for the fundraising for the group.
11. That Council supports walks through the Blue Gum High Forest as part of its Walks Program and that any fees be waived.
12. That Council support the payment of research from the State Library locating and photocopying of original documentation associated with the history of the Dalrymple Hay Nature Reserve.
13. That Council provide information regarding the heritage listing of 'Greenwood Cottage' adjoining Dalrymple Hay Nature Reserve.
14. That the Council incorporates on its website information on the Blue Gum High Forest and provides a link from the home page.
15. That legal advice be sought that the following inclusion be sought on a 149 Certificate for 100-102 Rosedale Road, St Ives:

*That the properties have the endangered ecological community of Blue Gum High Forest and that the properties adjoin the Dalrymple Hay Nature Reserve and Browns Forest, together being the largest Blue Gum High Forest in existence.*

## COMMENTS

Arising from the meeting of 21 January 2004, a number of recommendations specifically seek the consideration of Council. These include:

➤ **Recommendation 3 – Quorum**

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At Council's meeting of 16 December 2003 a quorum was determined to include one Councillor and three community representatives. The group are now recommending an additional community member be required to achieve a quorum for the group.

The implication of this recommendation by the group would make it more difficult to have a quorum and thereby potentially affect any formal decisions the group could make if it did not have sufficient community members in attendance.

➤ **Recommendation 4 – Group Structure**

The group are currently in discussions with STEP Inc to form an arrangement whereby they would be the lead entity to cover administration, finance and insurance with respect to the activities of the Group. This action has been recommended by the Group, to minimise cost and other resources involved in forming a Trust or a separate incorporated body.

➤ **Recommendation 5 and 6 – Grant to STEP Inc.**

It is anticipated that STEP Inc will hold its next meeting mid February 2004. At its meeting STEP Inc is expected to give consideration as to whether it is willing to become the umbrella body for the 'Buy 100-102 Rosedale Road Action Group'. Following the outcome of this meeting, the group have recommended that \$5,000 of the \$10,000 allocated by Council (Resolution D(d) of 19 December) be granted to STEP Inc to continue to fulfil the aims of the group as resolved by Council and the Group. The rationale for the granting of \$5,000 to STEP is to provide some longer-term access to resources beyond the term of the current Council.

➤ **Recommendation 7 – Succession of the Group to the next Council**

As a new Council will be elected at the end of March 2004, the group has recommended that the General Manager report on the status of this group as part of his review of all committees of Council and other advisory groups as currently exist. This is to allow the new Council the opportunity to make a determination whether or not to continue to support this group and its aims.

➤ **Recommendation 11 – Walk Program**

As part of the promotion of the St Ives Blue Gum High Forest and in particular the need to secure the preservation of the land known as 100-102 Rosedale Road, the Group are proposing to conduct a number of walks through Browns Forest and Dalrymple Hay National Park (with approval from National Parks). It is anticipated that STEP Inc will coordinate the walks, however support is sought from Council in relation to promoting this activity. This would supplement the existing walks program conducted by Council as part of the activities promoted through the Wildflower Gardens. Permission from the National Parks and Wildlife Service will need to be secured for walks on National Park areas.

➤ **Recommendation 14 – Web Page**

The group is in the process of developing a web based presentation on the site. It is anticipated that this will be hosted on the STEP Inc website ([www.step.org.au](http://www.step.org.au)). The group has recommended that a link be created on the front page of Council's website to this site to further promote their cause.

It has been Council's policy not to provide links from its website to websites of Community Action Groups. It is considered more appropriate to provide information on Council's website regarding the Groups activities rather than a link to the STEP Inc website which could create an expectation from other Action Groups for similar links to their sites.

➤ **Recommendation 15 – Section 149 Certificate Notification**

The provision of Section 149 of the Environmental Planning and Assessment Act 1979, and Environmental Planning and Assessment Regulation 2000 (Schedule 4 Clause 2) requires Council to have a planning certificate with respect to any land within the area of Council. Information within the planning certificate shall specify such matters relating to the land as may be prescribed under the Environmental Planning and Assessment Act 1979 or in connection with any other Acts or as otherwise (S149(2)).

The group is recommending that Council seek legal clarification as to whether the statement below could be included:

*“That the properties have the endangered ecological community of Blue Gum High Forest and that the properties adjoin the Dalrymple Hay Nature Reserve and Browns Forest, together being the largest Blue Gum High Forest in existence”.*

The current Section 149 Certificate does not include information stating that the property is in a conservation area nor does it include any comments on the presence of any critical habitat as the land is not mapped as Critical Habitat ( as defined by the Threatened Species Conservation Act 1995).

Council issues 2 types of Section 149 Certificates. A Certificate under Section 149(2) must include those matters specified in the regulation. A Certificate under Section 149(5) allows Council to “include advice on such other relevant matters affecting the land of which it may be aware”.

Information placed on a certificate can be subject to appeal. There is case law regarding what “affect” the land means. Generally certificates only apply to the land that is subject of the certificate, not adjoining land. If Council wishes to proceed with this proposed notation the implications regarding all other areas containing threatened species, populations or communities would need careful consideration.

## **CONSULTATION**

The Buy 100 – 102 Rosedale Road St Ives Action Group is a community band group, supported by Council.

## **FINANCIAL CONSIDERATIONS**

Council has previously resolved on 9 December 2003 to fund the Buy 100 –102 Rosedale Road, St Ives Action Group to a maximum of \$10,000. It has recommended that if Council allocate \$5,000

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of this funding to STEP Inc as a grant to contribute to pursue the aims of the group and that STEP Inc be asked to enter into an agreement if they accept the funds, they agree that the funds be used only for activities related to fund raising or education and promotion activities related to the Blue Gum High Forest and that they report to Council on how such funds have been expended quarterly until the funds are fully expended.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has occurred between the departments of Planning and Environment, Open Space and Finance and Business Services in preparing this report.

## SUMMARY

Council has resolved to establish a “Buy 100 – 102 Rosedale Road, St Ives Action Group” and adopted a Charter for the group.

The group has held two meetings on 18 December 2003 and 21 January 2004. There are a number of draft recommendations from the meeting of 21 January 2004 that require Council’s consideration.

## RECOMMENDATION

That Council consider the recommendations arising from the Buy 100 – 102 Rosedale Road, St Ives Action Group meetings held on 18 December 2003 and 21 January 2004.

Guy Paroissien  
MANAGER ENVIRONMENTAL POLICY

Peter Davies  
MANAGER SUSTAINABILITY &  
CATCHMENT MANAGEMENT

Leta Webb  
DIRECTOR  
PLANNING & ENVIRONMENT

Steven Head  
DIRECTOR  
OPEN SPACE

**Attachments:**     **A - Minutes of "Buy 100 - 102 Rosedale Road, St Ives Action Group - 18 December 2003.**  
                              **B - Minutes of "Buy 100-102 Rosedale Road, St Ives Action Group - 21 January 2003.**

## **PLEASE NOTE**

The Notice of Rescission (NM.1) for Feasibility Study on the re-Development of the Carlotta Avenue, Gordon Depot Site for the Purpose of Aged Care Facilities as stated in the Agenda was withdrawn by Council at its Meeting held on 3 February 2004 and deferred until all local residents could be notified when the matter is to be considered and the edited report to Council is available to the public.

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## NOTICE OF MOTION

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### A COUNCIL POLL BE TAKEN ON THE DAY OF COUNCIL ELECTIONS

**Notice of Motion from Councillor L Bennett dated 27 January 2004.**

I move:

That on the day of the Council election a Council poll be taken (in accordance with the provisions of the Local Government Act), the question to be put being:

“Should 4 or 5 storey apartment buildings be allowed next to one or two storey houses in Ku-ring-gai.”

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Laura Bennett  
Councillor for St Ives Ward

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## NOTICE OF MOTION

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### REFERENDUM FOR POPULARLY ELECTED MAYOR AND THREE WARDS OF THREE COUNCILLORS

Notice of Motion from Councillor I de Vulder dated 27 January 2004.

I move:

That a referendum be held at the Ku-ring-gai Council Local Government election, on the 27 March 2004, for the following electoral changes to be made and implemented at any subsequent Local Government Election in Ku-ring-gai;

- A. A popularly elected Mayor
- B. Number of Wards be reduced to three
- C. Number of Councillors to each Ward be increased to three

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Ian deVulder  
Councillor for Comenarra Ward



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## NOTICE OF MOTION

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### EVALUATION OF DWELLING YIELDS

**Notice of Motion from Councillor A Little dated 28 January 2004.**

I move:

- A. That as a matter of urgency the effect of the FSRs and thresholds adopted in Draft LEP 194 for the 2d1 zone on dwelling yield be evaluated for each centre and compared with the figures reported to Councillors in late 2003. In the evaluation, the findings and recommendations of the Hill PDA & Sphere Property Corporation joint report in January 2003 are to be fully considered.
- B. That in light of the findings above, if there are any significant shortfalls in dwelling yield that have not already been fully compensated by new sites, then recommendations be brought to Council on how these shortfalls can be rectified.

### RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Andrew Little  
Councillor for Roseville Ward